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Canada. Royal commission on
pilots

Hearings. 1963.

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ROYAL COMMISSION

ON

(34)
PILOTAGE

HEARINGS

HELD AT

QUEBEC CITY
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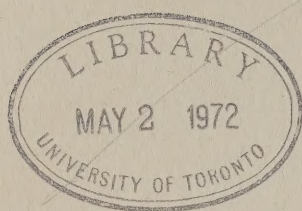
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at the Court House, Quebec City,
Quebec, on the 18th day of
September, 1963.

COMMISSION:


The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.,	Member
Mr. Gilbert Nadeau,	Secretary.

COMMISSION COUNSEL:

Mr. Maurice Jacques.

PRESENT:

Mr. J. Brisset,	for the Shipping Federation of Canada
Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild.
Mr. C. Mason,	for the Dominion Marine Association
Mr. Marc Lalonde,	for the Federation of St. Lawrence River Pilots; Corporation of the lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; The Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.



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ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Huot, dir-ex.
(Jacques) 8040

Quebec City, Que.
Wednesday,
Sept. 18, 1963.

1 French

2 ---Upon resuming at 10:00 a.m.

3

4 MR. LALONDE: In accordance with your permission
5 yesterday I will ask Mr. Huot to please come to the box.

6

7 DOLLARD HUOT, sworn

8

9 DIRECT EXAMINATION BY MR. LALONDE:

10 Q. Your name?

11 A. Dollard Huot

12 Q. Your age?

13 A. 53.

14 Q. What is your occupation?

15 A. Chartered Accountant.

16 Q. Where do you exercise your profession?

17 A. Well, I am associate of the firm of Sansom,
18 Belaire, Cote, Lacroix & Associates, in Montreal, Quebec
19 and Rimouski, offices in those cities.

20 Q. Do you exercise in Quebec City?

21 A. Yes, sir.

22 Q. Is this firm of which you are a member the
23 one which audits the statements of accounts, the financial
24 statements of the Corporation of Lower St. Lawrence Pilots?

25 A. Yes, sir.

26 Q. Are you the person in this society who has the
27 direct responsibility of auditing all the books of this
28 Corporation?

29 A. Yes, exactly, since more than 15 years.

30 Q. I understand that the same firm used to audit



1 French

2 the financial statements of the association of Licenced
3 Pilots for the Quebec Harbour and Below?

4 A. And then Yes , sir.

5 Q. And the same rule applies to the Corporation
6 of Pilots for Quebec Harbour and Below concerning pension?

7 A. Yes.

8 Q. For how many years has your office been
9 auditing these financial statements?

10 A. To my knowledge since, at least, 1934 when I
11 entered in the firm of which I am a partner now.

12 Q. Since you have been dealing actively with
13 this subject how many years have elapsed?

14 A. At least 15 years. During the first few years
15 it was in the early '40's I was doing myself directly the
16 work. Today, of course, it is under my supervision and
17 responsibility.

18 Q. Therefore you were doing it yourself in the
19 past?

20 A. That is right, completely.

21 Q. During all this period for which your office
22 has been auditing the accounts of this Corporation and
23 Association have you ever discovered any fraud or switching
24 of money?

25 A. Well, to my knowledge on no occasion at all.

26 Q. Did you have to report during the last five
27 years to the Board of a deficiency or improper keeping of
28 the books of the Corporation either of the pension fund or
29 the Corporation of the Lower St. Lawrence Pilots?

30 A. No.



1 French

2 Q. Have you ever had to report to the Annual
3 General Meeting of Members concerning some irregular
4 practice or some negligence in bookkeeping?

5 A. No, sir.

6 Q. How do you perform the audit of the Financial
7 Statement of the Corporation of the Lower St. Lawrence
8 Pilots as well as the Association of the Pilots for the
9 Quebec Harbour and below which deals with the pension fund?

10 A. Generally we proceed according to established
11 standard recognized standards for the auditing of books,
12 so that we may have an opinion on the financial situation
13 of these Corporations so after auditing to give the certificates
14 are, which form part of the financial statements which are
15 presented. More specifically I can say as far as the
16 income of the Corporation, both the income of the Corpora-
17 tion and the Pension Fund we control that. The expendi-
18 tures are all examined for the whole year and controled with
19 approval through the Minutes of Directors.

20 Q. How do you audit or control the income?

21 A. This is done by, as a whole at the end of the
22 year by confirmation from the D.O.T. of the Pilotage ,
23 and secondly income each for movage etcetera.

24 Q. So you get a confirmation there from D.O.T.
25 concerning the amounts?

26 A. Yes, that is correct, concerning the amounts
27 received and amounts receivable.

28 Q. This is done in writing?

29 A. Yes, it is done in writing. It is the same
30 thing for all items on the balance sheet, the cash, the



1 French

2 value, the operation of the Pension Fund, also is controlled
3 by the Trust Company which is holding these amounts.
4 Previously these funds were held in a safe and we had to
5 check these amounts on the 31st of December so we could
6 check the active and passive on a balance sheet of this
7 Corporation.

8 Q. Now, as regards expenditures, you proceed by
9 sampling, to audit the expenditures or do you check each
10 item?

11 A. Well, we check each item. I might add that
12 this is one of the very seldom cases where we do that
13 simply due to the fact all the transactions, expenditure
14 transactions are not too voluminous.

15 Q. Have you ever had any difficulty obtaining
16 documents from the Corporation, the Secretary-Treasurer of
17 the Corporation?

18 A. No, we have always had complete co-operation
19 from the accountants and the Directors and if we had any
20 difficulty or any refusal we would have purely and simply
21 have dropped this account.

22 Q. Have you always found the supporting documents
23 to check the various evidence that you have found in the
24 papers?

25 A. Yes, sir.

26 Q. According to your experience in this field
27 of accounting could you say that the books of the Corpora-
28 tion of Quebec and the Association of Licenced Pilots for
29 the Quebec Harbour and below agree with the standards
30 recognized in your profession?



Huot, dir-ex
(Jacques)
cr-ex
(Brisset)

8044

1 French

2 A. Yes, it does follow the standards particularly
3 due to the number of transactions.

4 Q. In your opinion do you consider that the
5 books of the Corporation and the Association are well kept?

6 A. Yes, sir.

7 Q. Was it ever possible during the last few years
8 in particular that you noticed the establishment of a
9 particular considerable reserve fund which might, let us
10 believe, there was the establishment of what you call a
11 strike fund or a fund for a strike?

12 A. No, not to my knowledge. I have here the
13 financial statement of 1962.

14 Q. That has already been produced as Exhibit 597?

15 A. Well, it is the financial statement and doesn't
16 mention any possible strike fund which would have been
17 established.

18 Q. Well, as far as you know there was no such
19 phenomena in this Corporation or Association?

20 A. No, sir.

21 MR. LALONDE: Thank you very much, Mr. Huot.

22
23 CROSS-EXAMINATION BY MR. BRISSET:

24 Q. Mr. Huot, I understand that you have prepared
25 the last balance sheet, that is the one ending the 15th
26 of December, 1962 for the Corporation of Lower St. Lawrence
27 Pilots?

28 A. That is correct, sir.

29 Q. You said before that when you prepare this
30 balance sheet you reconcile or offset the declared income,



1 French

2 the income declared as received by the Corporation and the
3 income reported by the D.O.T.; is that correct?

4 A. Yes, sir.

5 Q. Now, could you give us some example of the
6 way in which you proceeded last year, so that you will tell
7 us what were the figures obtained from D.O.T. as
8 compared, let us say the first item, Pilotages as appearing
9 on Schedule A which is \$991,718.27.

10 A. Well, for the registration of Pilotage there is
11 some supporting documents which we present with the books
12 and at the end of the year we ask D.O.T. to please confirm
13 the Pilotage dues which have been paid or which were
14 received, which were earned by Corporation of Pilots and
15 D.O.T. did confirm such amounts. There was, perhaps, a
16 difference of a few dollars due to minor adjustments, but
17 finally the exact amount was confirmed. I haven't got the
18 exact figure here, but the amount was confirmed and if
19 this hadn't been done, we would, of course, have done some
20 further inquiry.

21 Q. Well, I imagine then that you proceed the same
22 way with other items?

23 A. Exactly. The D.O.T. tells us the income for
24 Pilotage, movages, winter , navigation etcetera.

25 Q. Now, during the financial year, that is from
26 December 15th one year to December 15th of the following
27 year do you have an opportunity to audit the books of the
28 Corporation?

29 A. In this particular Corporation, well, we do
30 proceed in two stages due to the fact that the Corporation



1 French

2 ask to receive this financial statement as early as possible
3 after the 15th of December, that is in early January. We
4 start the audit in November or early December and we finish
5 as soon as the books are closed, that is about the 20th of
6 December, so we have two stages.

7 Q. In other words your audit work is spread over
8 about two months, from November to January?

9 A. No, sir. As I said before we examine all the
10 expenditures of the year, but we do it twice a year.

11 Q. Well, that is what I mean, you do it during
12 a period which is spread between November and January while
13 in January your final report or balance sheet is presented
14 or submitted to the Administrators?

15 A. That is correct.

16 Q. You have nothing to do with respect to the
17 distribution of income received or earned by the Corpora-
18 tion?

19 A. We do some sampling to ascertain the distribu-
20 tion of the income as made to the pilots and not to dummies
21 or fictitious people.

22 Q. Well, you have no sampling to make of the
23 payments to pilots. Is that in accordance with the by-laws
24 of the Corporation or the regulation of the Pilotage in
25 Quebec District. Is this beyond your district?

26 A. Well, it is not within my province to check
27 of each pilot what he is entitled to, but I think that
28 the distribution is done on a normal basis for all pilots
29 as far as they have the same number of turns or trips and
30 as far as, except with regards assistance for illness



1 French

2 etcetera.

3 Q. With respect to the distribution of income of
4 the Corporation you will note on the balance sheet at
5 Schedule B that a number of turns are allocated to each
6 pilot as indicated. You will see, for instance, against
7 the name Roland Barras the item 108. The first name,
8 Roland Barras, the number of turns is 108.

9 A. Well I must say immediately that Schedule B
10 is produced with our financial statements since two or
11 three years. This was requested by the Corporation since
12 we had the facilities for printing the statements, if we
13 could attach everything, but what we are responsible for
14 is the balance sheet and Schedule A. Schedule B is purely
15 an information paper which does not come within our juris-
16 diction.

17 Q. Well in other words the information which
18 appears on Schedule B, as regards the number of turns
19 allocated to each pilot, is information which is not veri-
20 fied by yourself but it is produced by the Corporation?

21 A. That is correct.

22 Q. Well then what is within your competence is
23 to verify or check on the income received and expenses
24 incurred throughout the year?

25 A. That is correct.

26

27 CROSS-EXAMINATION BY MR. JACQUES:

28 Q. If I understand correctly what you said, you
29 prepared the balance sheet and Schedule A only. The other
30 documents which are attached to Exhibit 597, and I am



1 French

2 referring to Schedule B, is something that you do in your
3 office purely and simply to assist the pilots?

4 A. Well this is to enable them to present to their
5 members a complete statement. In the past we used to
6 submit only the balance sheet and the statement of expen-
7 ditures. That is Schedule A, and the rest, well we used
8 to describe the information which is now attached to these
9 statements.

10 Q. Well as regards Schedule B, you make no
11 verification? No check at all?

12 A. Well we do make some sampling or sounding that
13 certain pay or distribution has been decided for certain
14 pilots. We will ensure that this distribution has been
15 made to active pilots.

16 Q. Well you say you ensure that this was made to
17 active pilots. What do you mean by "active pilots"?

18 A. Well these are pilots who have signed when
19 they were admitted as pilots, signed a document. This is
20 held by the Corporation of Pilots. They are accepted as
21 members of the Corporation of Pilots for the Quebec District.

22 Q. Well then you verify if their name appears in
23 the list?

24 A. Well when a new pilot is admitted, this is the
25 responsibility of the Board of Directors or the Executive.
26 That is, to indicate this admission, and we keep into
27 account such admission or when somebody goes on retirement,
28 this is indicated in the minutes and we have a schedule or
29 table of all the active pilots and we do some soundings and
30 we check that against the list of pilots kept up to date.



1 French

2 Q. Will you check a name, any name. On the first
3 page, number 11, Mr. Josaphat Boissonault. You have checked
4 the amounts he had received?

5 A. No, I have not particularly him.

6 Q. Well could you explain to the Commission exactly
7 what you do when you do your sounding or sampling? What is
8 not necessary is to name the individual income of pilots?

9 A. In the case of Mr. Boissonault, when there is
10 a minute of the Board of Directors saying that one has
11 decided to distribute so much, according to the number of
12 turns, we verify the list of distribution with the cheque
13 which has been cashed by Mr. Boissonault.

14 Q. Well you check then against the minutes adopted
15 by the Board of Directors and do you see the name of Mr.
16 Boissonault?

17 A. No, not in the minutes.

18 Q. What does the minute contain then?

19 A. Well the minute mentions that the distribution
20 has been authorized to the pilot for such and such a period
21 and for such and such an amount, according to the number of
22 trips performed by the pilot.

23 Q. Well where do you secure your information
24 concerning active pilots?

25 A. Well it is by list of pilots which is kept up
26 to date.

27 Q. Who keeps this list?

28 A. Well I have this list since 1934, and this is
29 kept up to date and when we have a new pilot or an apprentice
30 pilot, then we indicate so and when he is admitted as a



1 French

2 pilot, we show it on our list to include his name in our
3 list, and then he is suspended, if he is suspended, this
4 is shown in the minute.

5 Q. When a pilot is accepted, you say this is done
6 some way but how do you get this information? Do you get
7 a phone call from Mr. Menard saying Mr. So and So has been
8 admitted as a pilot.² Please include it in your list and
9 Mr. So and So is being suspended and Mr. So and So has died?

10 A. Well this is the minute of the Corporation which
11 gives me this information.

12 Q. Well then do you go and inspect these minutes?

13 A. Well of course, for any audit it is essential
14 to go and check the minutes.

15 Q. Then you check the minutes every year?

16 A. Certainly. I said before that when we audit
17 the expenditure, we examine from the point of view of
18 payment and also from the point of view of approval by
19 Directors and this is indicated in the minutes.

20 Q. Then you consult every minute?

21 A. Yes, and we check notes in our own files.

22 Q. Well then do you check or verify in the case
23 of illness whether the amount allocated to a pilot is the
24 one he is entitled to? Could you take the first page of
25 this Schedule B. I see here assistance for illness,
26 something like \$200.00. It's the first case I have here
27 on this page. Did you check whether this amount was the
28 one the pilot was entitled to according to the regulations?

29 A. Well I couldn't assert here categorically
30 because I cannot recall whether the amount of assistance



1 French

2 for illness is indicated in the minutes. I believe it is.

3 Q. Well the assistance for suspension is also
4 indicated in the minutes.

5 A. Yes, I think. I cannot assert this. I have
6 the direct responsibility for this work, but I do not
7 perform it myself in all its details and that is why I
8 cannot assert this.

9 Q. Schedule B, is Schedule B prepared by your
10 office?

11 A. No, not Schedule B. Schedule C is sir.
12 Both Schedule B and C is also given together.

13 Q. This is, therefore, transmitted to you and
14 printed by you?

15 A. Well yes. These are details of distribution,
16 analysis of general expenditure, analysis of the general
17 expenditure which indicates the income expenses and we
18 compare and simply check this against the statements of
19 income and expenditure.

20 Q. Well the analysis of general expenditure, or
21 general overhead, was it done by your office?

22 A. No, this schedule, we really check it. It is
23 very easy to check it because it is detailed and as I said
24 before, the number of transactions is so small that we could
25 easily check it.

26 Q. How do you check it? By sampling or random
27 checking or do you check every item?

28 A. Well here you are asking about checking of
29 distribution of each item but this total, the total amount
30 of \$6,193.61 has been checked against supporting vouchers



1 French

2 and documents. This was simply to provide information
3 which was requested by pilots at the general assembly.
4 This is purely for information and I am in a position to
5 tell you that we check it.

6 Q. Well I will tell you what I have in my mind.
7 Here is a balance sheet of several documents which are
8 provided or furnished to pilots who, to people who perhaps
9 have not had any experience of accounting. Are these sheets
10 containing all kinds of information given on your paper --
11 may I finish please -- all this information is issued from
12 your office, by your office with the certificate in the
13 middle, so I want to be certain and I want to clearly
14 establish what you have checked in this because people
15 who receive this document have the impression that you
16 have checked everything completely while it doesn't seem
17 to be the case.

18 A. If all the big audits that we are doing now
19 were as complete as the one of the Corporation of Pilots,
20 well it would be a remarkable objective to attain.

21 Q. Well then you would not do as many audits each
22 year?

23 A. Well this is the kind of information which
24 enables us to give an opinion on the financial statement
25 of the Corporation of Pilots of Lower St. Lawrence and we
26 have done it, for instance, for the year ending 15th
27 December 1962. We have obtained all the explanation
28 requested, and all the information. The only restriction
29 is no reserve has been -- the only restriction or limita-
30 tion that we put here is that no reserve has been established



1 French

2 to provide for depreciation of office equipment or furniture
3 because usually it is recognized that any active asset
4 should depreciate and since it was a practice in the
5 Corporation of Pilots not to depreciate the furniture, we
6 had this particular comment and we closed our report saying
7 in our opinion the above balance sheet represents faithfully
8 the situation of the financial business of the Corporation
9 of 15th December 1962 as well as we could understand it
10 from the explanation given, etcetera etcetera.

11 Q. Let's come back to Schedule C. Let's take
12 item General Meeting, notice of report and room \$240.44.
13 Did you check this expense? When I say "you" I mean your
14 office, of course.

15 A. Yes.

16 Q. Does the same thing apply to all expenses shown
17 on the analysis of general expenses shown on Schedule C?

18 A. Yes.

19 Q. Insofar as the details of the distribution on
20 Schedule C, did you check if the distribution, the sixteen
21 distributions indicated therein have been done for the
22 amount indicated and at the date indicated therein?

23 A. Particularly no, because we proceed through a
24 sample or random check. I think we check four distributions
25 and we do not check them up thoroughly.

26 Q. Out of sixteen?

27 A. Yes. This is the average per year.

28 Q. Now could you please pass to Annex B, item
29 of general information. Where do you obtain the details
30 of such general information that you give on Schedule D



1 French

2 attached to your balance sheet?

3 A. Well in the first place I will tell you that
4 this is not attached to the balance sheet. This is
5 attached to the general financial information. This
6 information is given to us by the Accountant.

7 Q. Did you check the item "movages" in the
8 Quebec Harbour concerning the accuracy of the amount?

9 A. Yes, we have checked those items.

10 Q. In what way?

11 A. As I explained beforehand by checking the
12 earnings or the income of the Corporation and through
13 direct confirmation by the D.O.T. at the end of the year.

14 Q. Now still at Schedule D, the list of pilots
15 by order of security, did you have anything to do with
16 that or is that a list that has been supplied to you?

17 A. No. Well this list was just reproduced.

18 Q. There is no checking on your part insofar as
19 that list is concerned?

20 A. As I said beforehand, we have the list up to
21 date of pilots and I can assert that it has been compared
22 with the list supplied.

23 Q. Now insofar as your financial statements are
24 concerned for the pension fund, the comments you have made
25 on the schedules, in the case of the Corporation also
26 apply in the case of the pension fund. Then Schedule A,
27 was it prepared and checked by you?

28 A. Yes. This is part and parcel of the financial
29 statement for the income and disbursements, and so forth.
30 This is part and parcel of our general financial statements.



1 French

2 Q. Do you check the bank accounts?

3 A. Yes, of course. We check the bank accounts,
4 the investments, the cash accounts. Everything has been
5 controlled by the income, all investments have been checked
6 and the purchases or sales of investments have been
7 controlled, and so forth.

8 Q. Schedule B, the balance sheet of the pension
9 fund has been controlled by you?

10 A. Yes, as well as Schedule C.

11 Q. Is it a control through random checking or
12 item by item?

13 A. No. In the case of pensions we have checked
14 everything entirely and then whenever a new pensioner is
15 admitted within the pension fund scheme, we are requested
16 to check the establishment of his pension fund.

17 Q. Do you prepare financial or different financial
18 statements for the Pilots Association? You know that you
19 have the Association of Licenced Pilots and the Corporation
20 of Pilots, of course. The Corporation was established in
21 1960.

22 A. Three years ago. Well the name was the
23 Association of Licenced Pilots for Quebec Harbour and
24 below. Now the Corporation of Lower St. Lawrence Pilots
25 was substituted. Insofar as I can remember it was sub-
26 stituted for the Association of Licenced Pilots and I have
27 everything in my records at the office. I have all the
28 documents to that effect.

29 Q. So insofar as you are concerned, there is only
30 one group, which would be the Corporation of Pilots?



1 French

2 A. The year in which this change was made, well
3 we made a comment to that effect in our certificate. That
4 is, that there had been the assimilation of one by the
5 other, and so forth.

6 Q. Are you aware that apparently the Association
7 of Pilots still exists at the same time as the Corporation
8 exists?

9 A. No.

10 Q. Are you aware that according to the evidence
11 given that out of 77 pilots there would be 71 pilots who
12 belong to the Corporation and there would be 77 who would
13 belong to the Association?

14 A. I am not aware of these details.

15 Q. Do you think that the pilots, for example,
16 would have requested financial statements of the Associa-
17 tion since the year 1960?

18 A. Not to my knowledge.

19 Q. Do you at times check the way in which the
20 pilotage dues and other earnings of pilots are paid to the
21 Corporation? Do you know if those are paid in cash or by
22 cheque?

23 A. Well I suppose that they are paid by cheque.

24 Q. Did you ever check the cheques?

25 A. No. Not me. I did not personally in these
26 latter years, but the cheques, you cannot check them out
27 because the cheques received from the D.O.T. are deposited
28 and the vouchers are there and we see the D.O.T. such and
29 such an amount, and so forth.

30 Q. Are you aware that such cheques from the D.O.T.



1 are made to the order of the Association of Pilots?

2 A. I am not aware because to my recollection I
3 never saw such cheques.

4 Q. Thank you.

5
6 CROSS-EXAMINATION BY MR. BRISSET:

7 Q. One question, if you allow me. Will you
8 please refer to Schedule B of the balance sheet at item
9 Distribution. Is it accurate for me to say that despite
10 the fact that the amounts shown under that heading are
11 amounts relating to the distribution, of course these
12 amounts in fact have not necessarily been paid to the pilot
13 at the time at which the balance sheet was issued?

14 A. Not necessarily so because if you refer to the
15 balance sheet you are going to see that there were some
16 accounts receivable to the amount of \$6,900.00, and that
17 at the date of the issuance of the balance sheet the dis-
18 tribution had been voted of the pilots, which is mentioned,
19 to the accounts payable and to the pilots showing fifty
20 thousand to two hundred and eighty thousand and ninety-two.
21 This distribution had been paid to the pilots perhaps in
22 the course of the year 1963 but what is mentioned -- oh,
23 one second please -- on Schedule B the distribution of
24 pilots is not the analysis of income. It's the analysis
25 of distribution. It is true that this distribution was
26 entirely distributed to the pilots in the year 1962 and
27 if you refer to Schedule A at the statement of income and
28 expenditures, we establish the net income for the financial
29 year of such and such and the distribution to pilots
30 generally during the year totalled under item pilotage



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2 \$973,000.00, which corresponds to the total on my Schedule
3 B, \$973,000.00, the amount indicated on Schedule B being
4 the total amount which has been effectively distributed to
5 the pilots in the course of the year.

6 THE CHAIRMAN: This is what is shown in the
7 T4 forms?

8 THE WITNESS: Well I have no responsibility
9 whatsoever for the T4 forms.

10 Q. Could you please give me the explanation of
11 what is shown as Schedule C, detailed distribution and at
12 the bottom of that statement Receivables \$750.00.

13 A. I see here that the amount to be received is
14 at the last distribution, which is included in the dis-
15 tribution to be paid.

16 Q. Do you think that the explanation of the \$750.00
17 to be receivable would not exist under this heading of
18 assets in the case of receivables sixty-six thousand and
19 some odd dollars?

20 A. Naturally I am coming back a little on what I
21 already said beforehand. That is that we have included as
22 distribution to the pilots this \$750.00 which distribution
23 has been authorized at the end of the year, and December
24 15th it had not been, as yet, paid out really. This must
25 have been paid a few days after December 15th, and we have
26 recovered the amounts receivable, the amount of \$56,000.00
27 and we have paid distribution of \$750.00 which is indicated
28 under the heading of liabilities under the item distribution
29 to the pilots.

30 Q. So whenever you prepare that in 1963 are you



1 French

2 going to check if this amount receivable has been in fact
3 paid out to the pilots at that time?

4 A. Yes.

5 Q. And this amount will be paid out at a date
6 subsequent to December 15th? That is in most cases in
7 succeeding years?

8 A. Yes.

9
10 CROSS-EXAMINATION BY MR. JACQUES:

11 Q. Only one question. You were asked if there
12 was a reserve fund for strike fund and your answer was no.
13 Are there no reserve funds?

14 A. I was asked if there was a strike fund and my
15 answer was to my own knowledge there was none mentioned on
16 the financial statement so I was never aware that there
17 would be in existence any strike fund.

18 Q. Would there be any reserve?

19 A. No.

20 Q. Insofar as you are concerned could it be said
21 all the income of the Corporation, up to the very last
22 ultimate cent, is distributed to the pilots after the
23 deductions of expenditures?

24 A. Yes.

25 Q. Thank you.

26
27 RE-DIRECT EXAMINATION BY MR. LALONDE:

28 Q. You have been an accountant for how many years
29 now?

30 A. Well I have been a Chartered Accountant since



1 French

2 1936.

3 Q. You had an opportunity in the course of your
4 experience to see a great number of minute books of
5 different companies or corporations and so forth?

6 A. Yes.

7 Q. Would you be in a position to tell us if,
8 according to your own experience, the minute book of
9 Corporation of Pilots and of the Association are maintained
10 in a way which is superior to the average of the holding
11 of such books of minutes of different corporations?

12 A. Well I can tell you that the books are very
13 well kept and extremely detailed. Even the notes that we
14 must take down in our procedure are extremely long and
15 extremely detailed.

16 MR. JACQUES: I would like to correct slightly
17 what has been stated. You were asked if the minutes of
18 the Association and the Corporation as well as the Corpor-
19 ation were well kept. Have you seen since 1960 the book
20 of minutes of the Association?

21 A. Well, personally I haven't seen it and neither
22 did my staff, I think, because the Association from the
23 viewpoint of auditing the books, sort of was extinct when
24 the Corporation appeared.

25 MR. JACQUES: So your comments insofar as the
26 books being well kept it would apply only to the minutes
27 of the Corporation?

28 A. It would apply only to the minutes of the
29 Association up to 1960 when the other Corporation assimilated
30 the first one.



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2 MR. LALONDE: Thank you, Mr. Jacques. The
3 Commission has no questions to ask?

4 THE CHAIRMAN: No.

5 MR. LALONDE: Mr. Wilfred Menard, please.

6

7 WILFRED MENARD, sworn

8

9 DIRECT EXAMINATION BY MR. LALONDE:

10 Q. Would you please tell us your full name?

11 A. Wilfred Menard.

12 Q. Mr. Menard, how old are you?

13 A. I am 32 years old.

14 Q. What is your occupation at the present time?

15 A. I am Secretary-Treasurer of the Corporation of
16 Lower St. Lawrence Pilots, of the Association of Licenced
17 Pilots for the Quebec Harbour and below.

18 Q. Since when have you been in that position?

19 A. Well, for the past twelve years.

20 Q. I show you Exhibit 672 which contains the by-
21 laws of the Corporation of the Lower St. Lawrence Pilots
22 as well as the Association of Pilots for the Quebec Harbour
23 and below. I would like to draw your attention in particular
24 to Articles 25 and 26 of the General By-Law Number 1 of
25 the Corporation of Pilots of Lower St. Lawrence as well as
26 Article 7 and 8 of the By-Law, General By-Law Number 1 of
27 the Corporation of Pilots for the Quebec Harbour and below?

28 A. Yes.

29 Q. I suppose that you know both these sections
30 very well?



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2 A. Yes.

3 Q. Do those two sections define accurately your
4 duties, the duties you perform in fact for the benefit of
5 this organization?

6 A. Yes, first of all Section 25, General By-Law
7 No. 1 gives the duties of the Secretary as follows:

8 (a) He acts as Secretary at the meetings of the
9 Board at the general meetings of members and
10 the meetings of Committees.

11 (b) He gives notices of meetings in accordances
12 with the By-Laws and with the instructions he
13 receives from the competent officers.

14 (c) He keeps the seal of the Corporation, the
15 records of minutes of meetings and others as
16 well as the archives of the Corporation.

17 (d) He signs with the President or any other officer
18 regularly authorized all the documents requiring
19 his signature.

20 (e) He fulfils all other duties assigned to him
21 by the Board.

22 (f) He is responsible to the Board and the General
23 Assembly but not to each member in particular.

24 (g) He reads minutes, debates and all other documents
25 of the Corporation which have already been read
26 by the Board to all active members who call at
27 the office of the Secretary and make that
28 request.

29 Article 26 gives the duties of the Treasure the following
30 duties and responsibilities:



1 French

2 (a) He is entrusted with the money funds and secur-
3 ities of the Corporation and he must deposit
4 them on behalf of it in the banks or agencies
5 which may be designed by the Board.

6 (b) He is responsible of their use in connection
7 with the By-Laws of the Corporation and the
8 authorization of the Directors.

9 (c) He signs all cheques, commercial bills and
10 other documents requiring his signature.

11 (d) He keeps all the books where the operation of
12 business of the Corporation are registered or
13 recorded as well as all documents having to do
14 with them. He must keep them up to date and
15 ~~with~~ within a reasonable time must produce them upon
16 the request of any Director.

17 (e) He fulfils all other duties that may be asked
18 from him by the Board as Treasurer.

19 Q. In these functions, are these duties that you
20 perform for the Corporation?

21 A. Yes.

22 Q. If you take Section 7 or 8 the description of
23 the duties are almost similar, and once more do you perform
24 them for the Corporation of Pilots?

25 A. Yes I do for the Corporation of Lower St.
26 Lawrence Pilots and for the Quebec Harbour and below.

27 Q. As the Secretary-Treasurer you have to keep the
28 funds of the Corporation, look after the funds of the
29 Corporation. Are you bonded?

30 A. Yes, I am bonded to the amount of \$10,000.00



1 French

2 on an insurance policy.

3 Q. Has this bond always been in force?

4 A. Yes.

5 Q. I see that amongst your duties as Secretary
6 you have naturally that of keeping the minutes of the
7 meetings the General meetings of the members and of the
8 meetings of the Board and of different Committees. Do
9 you attend all meetings of the Committees and the general
10 meetings of the Corporation?

11 A. Yes, always.

12 Q. Are the minutes of these meetings kept by you?

13 A. Yes.

14 Q. Are the minutes of the meetings of the Board,
15 of the Executive Committee or of the General Assembly
16 meetings, are they read out at subsequent meetings?

17 A. Yes, they are always read out at meetings
18 that follow.

19 Q. I suppose they are submitted for approval
20 of the members?

21 A. Yes.

22 Q. As Treasurer can you please tell me who signs
23 the cheques for the expenses in your Corporation?

24 A. One of the Directors and myself.

25 Q. Does that mean that you always have to sign
26 yourself, you should always be one of the signatories?

27 A. Yes.

28 THE CHAIRMAN: You mention one of the adminis-
29 trators, does that mean that all administrators also have
30 the right to sign insofar as the second signature is



1 French

2 concerned.

3 THE WITNESS: Yes.

4 MR. LALONDE: Q. What is the policy insofar
5 as the approval of expenditures in your Corporation and
6 Association are concerned?

7 A. Well, the expenditures are submitted to the
8 Board at the regular meeting or special meeting for
9 approval. Any expenditures, minor expenditures are not
10 necessarily approved before being paid, for example, the
11 telephone bills and so forth. Any other expenditures which
12 may be more considerable are always approved by the meeting
13 before being taken.

14 Q. What type of meeting?

15 A. The Executive Committee or of the Board.

16 Q. Before signing cheques, for example, to
17 members for the expenses of Directors do you always demand
18 a detailed statement of expenses?

19 A. Yes, the Administrator gives us a detailed
20 account of his expenditures paid on that account before it
21 is reimbursed.

22 Q. I show you Exhibit 670. Is that the form used
23 for the expense account to the Administrators?

24 A. Yes, it is a form that has been prepared
25 especially for that.

26 Q. Ever since when have you used that type of
27 form?

28 A. Ever since 1960.

29 Q. Do you have a safe in your office?

30 A. Yes.



1 French

2 Q. Who has the combination of that
3 safe?

4 A. Myself and then a girl who works at the
5 office, a stenotypist.

6 Q. Is there any administrator who has the combin-
7 ation of the vault?

8 A. None.

9 THE CHAIRMAN: Is the combination changed from
10 time to time?

11 A. No, not frequently.

12 THE CHAIRMAN: Has it been changed in the past
13 ten years?

14 THE WITNESS: I don't recall.

15 THE CHAIRMAN: Does your Secretary or the
16 other person who knows the combination, has she been
17 changed?

18 THE WITNESS: Well, only once.

19 THE CHAIRMAN: So you are three who know the
20 combination of the vault or safe?

21 MR. LALONDE: Q. Have you been in the same
22 building during the past twelve years?

23 A. No.

24 Q. When did you change the office?

25 A. In 1961.

26 Q. Did you transfer the vault with you?

27 A. No.

28 THE CHAIRMAN: So it is an immovable vault
29 so the combination has been changed?

30 THE WITNESS: It has been changed for the



1 French

2 older one. The combination has been changed for the
3 older one.

4 THE CHAIRMAN: So this is where you gentlemen
5 see the advantage of cross-examination.

6 MR. LALONDE: Q. I will tell you that I
7 will admit that I didn't see what was coming. I suppose
8 that this office is closed with a key?

9 A. Yes.

10 Q. How many persons have a key to your office?

11 A. Two.

12 Q. Who are these persons?

13 A. Well, the stenotypist and myself.

14 Q. Did one of the Directors ever receive a key?

15 A. No.

16 Q. What happens when one of the Directors or
17 the President decides to go to the office in order to work
18 or to look at certain documents?

19 A. Well, I go to the office with this person.

20 Q. So, whenever one of the Directors wants to
21 go to the office, well, you have to be there?

22 A. Yes, or at any rate my Assistant.

23 Q. So, when you moved do you keep the same office
24 key?

25 A. No, we didn't bring the door with us.

26 Q. There is the advantage of pre-examination.

27 THE CHAIRMAN: It is a very minor point.

28 MR. LALONDE: Q. I would like you to explain
29 briefly By-Law number 2 of the Corporation of the Licenced
30 Pilots of Lower St. Lawrence which is part of Exhibit 672



1 French

2 insofar as the administration of the pooling of earnings
3 of pilotage dues. Can you please tell us how you calculate
4 or establish the number of turns allotted to each member?

5 A. Well, on the list given to us by the D.O.T.,
6 so I have a list on the 15th of the month and I determine
7 the number of turns we are going to use in order to deter-
8 mine what will the distribution be, that is any member who
9 will have more than two turns delayed, he will see the
10 amount of his distribution diminished by as much.

11 THE CHAIRMAN: I don't know exactly where this
12 list comes from.

13 MR. LALONDE: Q. Where does the list come
14 from?

15 A. From the dispatching office of the D.O.T.

16 Q. You receive a list every fifteen days?

17 A. I receive it every day, but every fifteen days
18 I take the list that I get for the fortnight because the
19 total is added from one list to another.

20 Q. So every day the Department sends you a new
21 list on which the turns performed since the previous day
22 have been added?

23 A. Yes.

24 Q. So in the last analysis what you take every
25 fortnight is the last list before the pay?

26 A. Yes.

27 Q. Have you based yourself upon that list in
28 order to establish distributions?

29 A. Yes, but before basing ourselves upon the
30 list we must deduct from the total amount in the first



1 French

2 place, the total amount of earnings, we must deduct the
3 expenses, and then any distribution which is paid directly
4 to the pilot, for example the pension money, a Grade A,
5 and then so far as the balance is concerned is distributed
6 amongst the pilots and according to the number of trips
7 accomplished during the fortnight.

8 Q. And the turns allotted to the Directors, for
9 example, for meetings shown on that list that the pilotage
10 authority sends you?

11 A. Yes, those turns are shown, and in my own hand
12 for any in the course of the fortnight and are added by
13 the Department on the list.

14 Q. If I understand you properly for the calculation
15 of the number of turns you take the list prepared by the
16 pilotage authority as such?

17 A. Yes.

18 Q. I would like to show you Exhibit 643 entitled
19 Assignment list for the District of Quebec Pilots. Is
20 that the list of the type you receive regularly?

21 A. Yes.

22 Q. Is that the list of the type you would use
23 every fortnight in order to proceed with the distribution?

24 A. Well, I usually use the 15th and the 13th of
25 each month.

26 Q. For distribution purposes do you deduct the
27 number of turns at the end of the month from the number of
28 turns performed up to the 15th of the month, how do you
29 proceed exactly?

30 A. Well, if we base on one turn at the last



1 French

2 month then we base ourself on the number of turns performed
3 during fifteen days.

4 THE CHAIRMAN: In other words having used the
5 list of the 15th of the month once when you reach the
6 31st of the month you deduct from the list of the 31st
7 the number indicated on the list of the 15th and then
8 this gives you the number of turns for each pilot?

9 A. And any pilot who is late for two turns, this
10 amount corresponding is taken off from his pay.

11 Q. Of those who have an equal number of turns
12 are paid the same amount?

13 A. Yes, during the navigation season.

14 MR. LALONDE: Q. Can you please tell us the
15 two turns, what these two turns mean?

16 A. I mean two turns according to the average
17 calculated during fifteen days.

18 Q. How do you calculate it for example on that
19 document which is Exhibit 643?

20 A. Well, Exhibit 643 we could calculate it at 46.

21 THE CHAIRMAN: It is the average since the
22 beginning of the year.

23 THE WITNESS: If we calculate 46 we deduct
24 from the other the preceding fifteen days.

25 MR. LALONDE: Q. So you always proceed from
26 the average in one fortnight to the other. Now, does
27 this average, do you calculate it, do you make an
28 arithmetic average?

29 A. Well, it is the minimum number of trips which
30 give the right to the maximum amount paid.



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2 THE CHAIRMAN: As an example consequently the
3 pilot who in the course of the first fortnight of a month
4 would have two turns below the average would receive the
5 same amount as the pilot who had just the average or more
6 than the average and on the other fortnight if the pilot
7 performed only two turns?

8 THE WITNESS: Then he will be late. If he
9 accomplished only two during the second fortnight and the
10 others had accomplished ten he will be eight and plus two
11 that he didn't perform during his first fortnight.

12 THE CHAIRMAN: Consequently he will be
13 completely below average and he will receive nothing.

14 MR. LALONDE: Q. And this average of the
15 fortnight, at the end of the month if we take this list
16 643, if you have these results at the end of the month
17 and say there are amounts of turns $45\frac{1}{2}$, 46, $46\frac{1}{2}$, 47 -- how
18 will you compute the average? Would it be just by looking
19 at this and saying it is roughly 46?

20 A. Well, we could see when the pilots who are
21 mentioned here have regularly piloted, for example the
22 man who has 46 is not behind in his turns and the other
23 one who is different is purely ----- of course -- he
24 will start -- the others started late.

25 Q. But this doesn't show how you decide that the
26 average will be 46, 47 or 42?

27 A. Well, looking at the list -- I haven't checked
28 the names, but it would seem that the pilots who are on
29 this list that did normal -- that is who did regular
30 pilotage have done 46. That is 47, perhaps he did one more



1 French

2 trip or a fast ship, but I will say that the average will
3 be 46 turns to a pilot in that distribution.

4 Q. Will you decide this arbitrarily -- perhaps
5 this word is exaggerated, do you do it at a glance like
6 this?

7 A. Well, if a pilot like the first one on top
8 is $45\frac{1}{2}$ I will see if he has piloted regularly. If the
9 second is also -- I will see 46. Well, I will assume that
10 these two (indicating) haven't piloted regularly. They
11 didn't obtain a total like the others at 46.

12 THE CHAIRMAN: In your calculations you don't
13 make an average -- strike an average whatever, $1/8$ th,
14 $1/16$ th, $1/32$ nd of turns -- this is a rough calculation which
15 you will adjust at the end of the year?

16 THE WITNESS: That is correct.

17 THE CHAIRMAN: Once you have computed this
18 average of turns during the fortnight how do you come to
19 establish the value of the turns for distribution?

20 THE WITNESS: Well, the exact way you proceed,
21 you divide by the number of pilots. For instance if a
22 pilot had six turns while another had eight we will take
23 $6/10$ ths of a pilot and we will say if there were 70 pilots
24 who obtained the total, and if there were 6 who had $6/10$ ths
25 we will say.....

26 THE CHAIRMAN: You will have there 73.6 turns
27 and divide your total amount by this figure so you will
28 have the value of the turns?

29 MR. LALONDE: Q. What are the items which
30 are not included in the distribution for calculation of



1 French

2 the average value of turns?

3 A. Well, expenditures and also a separate dis-
4 tribution such as movage, class A, grade A detention.

5 Q. What is grade A?

6 A. It is the amount paid to a grade A pilot when
7 they pilot a vessel of more than 10,000 tons.

8 Q. What is the value?

9 A. \$25.00 less 10% which is paid to the pension
10 fund.

11 Q. Now, in Article 11, regulation 2 we have the
12 various distributions for the pension. Is the distribution
13 then all year?

14 A. Yes, except for the winter months.

15 Q. What is the period then for distribution?

16 A. I think it is the first of May until the
17 31st of December or 5th of January, more exactly.

18 Q. And the amounts that you pay every fortnight,
19 are these paid by cheque?

20 A. Yes.

21 Q. Are documents attached to your cheques every
22 fortnight?

23 A. With the cheque we indicate the statement,
24 we have the statement attached to the cheque showing the
25 number of turns, the pension money and full distribution
26 of expenditures etcetera.

27 Q. Have you a copy of such a document with you
28 here?

29 A. Yes.

30 Q. Where is Exhibit 597 called Distribution



1 French

2 number 6 to the pilots. Is this one of the documents you
3 send every fortnight? Will you have a copy of the other
4 documents which you have mentioned in your testimony?
5 You are showing a document entitled Corporation of Pilots
6 of the Lower St. Lawrence Pilots mentioning salary,
7 detention, cash receivable, etcetera. How do you call
8 this?

9 A. It is a distribution voucher.

10 Q. I would like to file a copy of this document
11 as Exhibit 684 which will be called Statement of Distribu-
12 tion of the Corporation of Lower St. Lawrence Pilots. We
13 could call that a Statement of Distribution or Voucher of
14 Distribution.

15

16 ---EXHIBIT NO. 684: Statement of Distribution of the
17 Corporation of Lower St. Lawrence
18 Pilots.

19

20 THE CHAIRMAN: This is a document which is
21 attached to the cheque?

22 A. That is correct.

23 MR. LALONDE: There is also Exhibit 597
24 accompanying it.

25 Q. Are these the only documents which you send
26 every fortnight with the cheques?

27 A. Yes.

28 Q. Would you briefly explain the various mentions
29 which appear, the various items which appear on this
30 statement?

31 A. Well, the first one, distribution, is the



1 French

2 amount paid to each pilot for pilotage for the fortnight.

3 Movage----

4 Q. Excuse me. Distribution, is it the average
5 value of the turn or is it the total amount of the cheque?

6 A. Well it's the average value of the turn.

7 Q. Well then suppose the turn value is \$130.00.
8 You multiply it by the number of turns performed by this
9 pilot in particular?

10 A. Well it is not necessarily the average value
11 of the turn. It's the total income of the fortnight less
12 the expenses.

13 Q. Well then would you have, for instance, the
14 amount indicated here of \$50,000.00 under distribution?

15 A. Well I would say the individual total.

16 Q. Well the individual total under distribution,
17 would it be the total value of turns performed and earned
18 by this particular pilot; value to which he would be
19 entitled according to the by-law?

20 A. Yes.

21 Q. Let's say there would be five turns performed
22 per fortnight in this average, and this is an average pilot.
23 He will therefore receive the amount shown under distribu-
24 tion, it will be five times \$130.00?

25 A. It is based on the income. It is the income
26 of the fortnight so the pilot who is one turn behind will
27 receive \$130.00 less.

28 Q. Well suppose he is in the average.

29 A. Well then he will get the normal amount.

30 Movages now. Movage is the amount paid to a pilot for the



1 French

2 movage of a vessel under his name and this is paid directly
3 to the pilot.

4 Q. Well then the movage is the amount to which
5 this particular pilot is entitled?

6 A. Yes. Detention is the same thing. Now Grade
7 A, same thing. Now assistance for illness, this is the
8 assistance provided to a pilot in the case of illness,
9 in accordance with the by-laws. Suspension assistance is
10 the same thing, the amount according to the by-law. It's
11 suspension by the pilotage authority. Now detention money,
12 assurances, that is contribution to the hospital insurance.
13 The net amount is a total of salary less the expenditure.
14 Then we have the number of pilots then at the bottom of
15 the form. We have the name of vessels. This is to indicate
16 the details of movage, detention and Grade A which are paid.

17 Q. Well you have mentioned these dues receivables
18 at the bottom. What do you mean by that?

19 A. Well this is the amount receivable at the end
20 of this period.

21 Q. Is it receivable by the Corporation?

22 A. Yes, that is receivable by the Corporation.

23 Q. Is that purely information for the pilot to
24 inform him of what has been earned up to now by the pilots
25 of the Corporation in this district and the amount
26 effectively paid?

27 A. That is correct.

28 Q. Well now the amount that appears in Exhibit
29 684 is the exact amount of the cheque?

30 A. That is correct.



1 French

2 Q. On this form we have a mention of illness
3 assistance, or assistance for suspension. I notice that
4 articles 14 and 15, regular by-law number 2, provide for
5 this. Could you explain summarily what are these provisions?

6 A. Well the pilot who has some illness may ask for
7 assistance for illness to the Board of Directors and if the
8 Board of Directors agrees with the request, the pilot
9 receives 50% of the dues. And a case of suspension now
10 the pilot receives also 50% of the salary of pilots.

11 Q. Does this apply in any case of suspension?

12 A. There is an exception. In Clause 15 (d) of
13 regulation number 2 which is that no allowance will be
14 paid in cases of suspension for use of alcoholic beverages
15 or narcotic drugs.

16 Q. You have mentioned before that any pilot who
17 was within two turns of the average of turns was entitled
18 to the bi-monthly distribution. Does this apply through-
19 out the year?

20 A. On only the last pay.

21 Q. Well what is the distribution date then?

22 A. December 15th.

23 Q. What happens after December 15th?

24 A. The December 15th pay is based on the income
25 of the year but not on the particular fortnight. We
26 determine the correct amount for the whole year and we
27 pay a cheque according to the amount which has been
28 received. Therefore, the pilot then who is behind the
29 average in one turn will lose on this particular turn.

30 Q. Well when does it happen? Excuse me, at the



1 end of the year the average of turns is 108. You have a
2 pilot who has 106 turns to his credit. Does he get an
3 equal share?

4 A. No. He gets paid for 106.

5 Q. If he gets 107---

6 A. He is paid for 107.

7 Q. And any person who has 108, or more than 108,
8 which is the average of turns, will receive an equal share?

9 A. That is correct.

10 THE CHAIRMAN: If he has 109?

11 THE WITNESS: Well then he is giving one
12 free turn.

13 Q. Suppose that during the year a pilot is
14 below, is granted two turns below the average, suppose he
15 has 65 turns while the others have 73. He will, therefore,
16 have some -- he is really behind -- now if at the end of
17 the year a pilot has 108 turns, will he have received
18 throughout the year on the total the same amount as his
19 colleagues?

20 A. Yes, because he will have this amount refunded
21 when all the number of turns have been accomplished.

22 Q. Well can this be used to catch up with the
23 average, the general average?

24 A. Yes.

25 Q. Well I presume that this is done also automat-
26 ically by the turn?

27 A. Yes, that is right. The one who has the
28 smallest number of turns is the number 1 on the list,
29 therefore, he can catch up with the others.

30 Q. And the number of turns done after December



1 French:

2 15th, what happens to them?

3 A. Well somebody who misses turns after the
4 15th of December, if he could not be replaced or has no
5 valid reason, will lose his turns finally.

6 Q. You mean he cannot catch up?

7 A. No, he cannot catch up with these turns which
8 have been missed. This really applies until the end of
9 the winter season.

10 Q. Is it April 8th?

11 A. It's 31st March.

12 THE CHAIRMAN: Is this loss of turn provided
13 in your regulation?

14 A. Well it is. It is provided in the regulation.

15 Q. Is this in your regulation by-law of your
16 Corporation or in the dispatching by-law?

17 A. It's in the dispatching by-law.

18 THE CHAIRMAN: Well I think we can adjourn
19 right now for a few minutes.

20

21 ---Short recess.

22 ---Following short recess.

23

24 DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

25 Q. Mr. Menard just before adjourning you were
26 going to check in the dispatch by-law, which is Exhibit
27 642 to indicate whether it was in accordance with this
28 by-law that after December 15th you could not become late.

29 A. Yes. This is in article 53 which says any
30 pilot who misses his turn from the 16th December of one



French

1 year until the 31st of March of the following year cannot
2 catch up with it.

3 Q. Could you read it again please, I am sorry.

4 A. Any pilot who misses his turn from 16th
5 December of one year until the 31st of March of the
6 subsequent year cannot catch up and is put on the list
7 as if his turn had been done. However, the privilege of
8 changeover remains.

9 Q. Well that is the first of April till the 15th
10 of December you fall in the normal rule. That is, you
11 must not be more than two turns below the average in order
12 to share on an equal basis in the distribution?

13 A. That is right.

14 Q. How do you receive the money earned by the
15 pilots from the Pilotage Authority?

16 A. Well we receive a cheque every fortnight.
17 That is at the end we receive the pilotage dues and we
18 get, therefore, the amount which has been paid by the
19 shipping companies during the fortnight. The cheque is
20 paid to the order of the Association of Licenced Pilots
21 for the Quebec Harbour and Below and deposited in the
22 account of the Corporation of Lower St. Lawrence Pilots.

23 Q. How did you make such a transfer of accounts?

24 A. We have informed the Bank Canadienne National
25 that all accounts of the Association should be transferred
26 to the account of the Corporation.

27 Q. Have you had any correspondence with the bank
28 on this subject?

29 A. Yes, we have informed the bank in writing.

30 Q. Was there any question, or information asked



1 French

2 by the bank?

3 A. No. They simply acknowledged the letter.

4 Q. You say you receive every day copies of the
5 pilotage cards?

6 A. Yes.

7 Q. Do you receive a copy of every pilotage card?

8 A. Yes.

9 Q. This would include movage, detention and
10 pilotage?

11 A. Yes. And also Grade A.

12 Q. Does this refer to the carbon copy of the
13 pilotage card?

14 A. Yes, there is a copy of the pilotage card
15 filled in by the pilot and the Captain and there is also
16 a copy of the account sent to the shipping company.

17 Q. If I understand correctly the Pilotage
18 Authority send you one of the copies it has made?

19 A. Yes.

20 Q. Do you receive, in addition to these cards
21 and bi-monthly cheques, other documents concerning finan-
22 cial questions?

23 A. Yes. We receive the payroll which gives us
24 all the pilotage dues which have been paid. The number
25 of accounts and the total and the name of the shipping
26 company.

27 Q. You receive this every day? Every week?

28 A. We receive this payroll three or four times
29 each fortnight.

30 Q. Here is Exhibit 657, called Cash Sheet Journal.



1 French

2 Is this the type of document you regularly receive from
3 the Pilotage Authority?

4 A. Yes.

5 Q. Do you receive other documents from the
6 Pilotage Authority?

7 A. Well we receive the roll for each day plus
8 the pilotage account. The assignment list and the pilotage
9 account. Nothing else I think.

10 Q. Can you check if pilotage cards are missing
11 in the list which is sent by the Pilotage Authority?

12 A. Well these are classified in numerical order.
13 If there are some missing, we will see it and check that.

14 Q. Is there a number with each card?

15 A. Yes.

16 Q. When you receive these cards are they by
17 numerical order, one two three four five, etcetera?

18 A. Yes.

19 Q. Is this number assigned by the Pilotage
20 Authority or is it printed on the card at the outset?

21 A. Well this number is on a form, pre-made form,
22 and the Pilotage Authority use this number and include it
23 in the form signed by the pilot and the Captain, but the
24 number is pre-printed on the card.

25 Q. What do you call that pilotage account?

26 A. Well it's the account which is sent to the
27 company.

28 Q. Is this sheet sent to the company? Is it
29 a copy of the pilotage card or is it another document?

30 A. It's another document.



1 French

2 Q. Well then I understand you receive two things:
3 One copy of the pilotage card signed by the pilot and the
4 Captain and one copy of the account relating to this card
5 which is sent to a company and which is numbered. You have
6 all these accounts by numerical order and all these
7 accounts you can check these against the card that you
8 receive?

9 A. Yes. And we receive them on each day.

10 THE CHAIRMAN: Well the pilotage card is on
11 the form of the D.O.T.?

12 THE WITNESS: Both are forms of the D.O.T.

13 THE CHAIRMAN: Who gives these cards to the
14 pilot?

15 THE WITNESS: He can get these cards at the
16 pilotage office, at the D.O.T.

17 THE CHAIRMAN: Does he receive one or two,
18 several?

19 THE WITNESS: Well I think they receive it by
20 book. They get it by book and these in the book are not
21 numbered. It's the account which is numbered once it is
22 finished.

23 THE CHAIRMAN: The pilot's source form is
24 not numbered?

25 THE WITNESS: It is numbered after.

26 Q. It is numbered by the Pilotage Authority when
27 it sends its account and the number which appears there is
28 the same as the one which appears on the account.

29 THE CHAIRMAN: Have you a system to check
30 whether the Pilotage Authority sent an account in each



1 French

2 case?

3 THE WITNESS: We could always check it through
4 the accounts which are classified under the name of each
5 pilot, but it is fairly difficult because some accounts
6 are the cards where you have two pilotages; it's fairly
7 difficult to check through this system.

8 THE CHAIRMAN: Naturally each pilotage does
9 not represent necessarily a turn so this is another
10 complication which is added to the checking or the
11 auditing.

12 Q. Mr. Menard referring you to Exhibit 672,
13 which includes the by-laws of the Corporation of Lower
14 St. Lawrence Pilots as well as the Corporation of Pilots
15 for Quebec Harbour and below, is that document handed in
16 to each pilot?

17 A. Yes.

18 Q. Have you brought with you audited financial
19 statements of the Corporation or rather of the Corporation
20 and of your Association of the past five years?

21 A. I have those from 1951 up to 1961 and I think
22 that for the year 1962 it has already been filed.

23 Q. Yes, it has been filed as Exhibit 597. With
24 Your Lordship's permission would it be a good idea to
25 annex that to Exhibit 597, or give it another number?
26 So Exhibit 597 will now be called Financial Statement of
27 the Association of Licenced Pilots for the Quebec Harbour
28 and Below, of the Corporation of Lower St. Lawrence Pilots
29 and of the Corporation of Pilots for the Quebec Harbour
30 and below from the years 1958 to 1962 inclusive.



1 French

2 Naturally the Corporation of Lower St. Lawrence Pilots has
3 been in existence only since 1960.

4 Q. Mr. Menard I would like to ask you to take the
5 financial statement for the year 1962. Under income you
6 have, at Schedule A, a heading entitled "other income",
7 to the amount of \$2,045.00. What is this "other income"?

8 A. Those are turns that have been credited to the
9 President of the Federation of the St. Lawrence Pilots and
10 for which the Federation of the St. Lawrence Pilots has
11 reimbursed us.

12 Q. Could you please answer how this goes on,
13 practically speaking?

14 A. When the President of the Federation is
15 entitled to turns, in order to look after the business of
16 the Federation, well the Federation notifies us about it
17 and hands us a cheque so we credit the turns to the
18 President, so we have a cheque based upon the number of
19 turns allotted.

20 Q. What number of turns?

21 A. Well the number of turns to be credited.

22 Q. How do you assess this number of turns to
23 be credited to the President and the Federation?

24 A. It is established at \$130.00.

25 Q. Is it a fixed amount?

26 A. \$130.00 during the navigation season.

27 Q. So it is done according to the true value of
28 the turns in your district during the year?

29 A. Yes.

30 Q. And the number of turns to which the President



1 French

2 is entitled is it calculated according to the by-laws of
3 your Corporation on the basis of one-half a turn? That
4 is the regulation made by meeting?

5 A. Well the Federation notifies us that they are
6 entitled to such a number of turns and the turns are then
7 paid.

8 Q. I see an item which is called "Association
9 dues" under expenditures. What type of dues are you
10 referring to here?

11 A. This is always in accordance with the by-laws
12 and it's to do with the Federation of the St. Lawrence
13 Pilots and also the Canadian Service Merchants Guild.

14 Q. I would like to refer you now to the Schedule
15 A for the Corporation of the Lower St. Lawrence Pilots,
16 Quebec Harbour and Below, Pension Fund. In the first
17 place I notice that they are 10% of pilotage and movages.
18 How is this amount sent to you?

19 A. In the same way as for the cheque which is
20 sent every fortnight. That is, the D.O.T. remits us
21 10% of pilotage dues and this cheque is made to the
22 order of the Corporation of Pilots for the pension fund.

23 Q. If I understand you properly, every fortnight
24 you receive two cheques.

25 A. The first cheque represents 90% of the pilotage
26 dues, which is paid to the order of the Association of
27 Pilots, and the second one to the pension fund represents
28 10% of the pilotage dues, plus one -- it so happens if
29 there are some vessels without pilots, this amount is
30 paid directly to the pension fund.



French

1 Q. Then if a ship, or vessel, navigates within
2 your district and it is subject to the compulsory payment
3 of pilotage dues, but does not take a pilot on board,
4 then the dues paid by that vessel are paid entirely to
5 the pension fund?

6 A. Yes. They are paid in their entirety to the
7 pension fund.

8 Q. So the amount that you receive from the
9 Pilotage Authority is sent to the Corporation for the
10 pension fund and 10%, -- represents 10% of the pilotage
11 dues plus 100% of the pilotage dues of the vessels which
12 are forced to pay the pilotage dues but who do not take
13 pilots on board?

14 A. That is correct.

15 THE CHAIRMAN: I would eventually like you
16 to ask him on what this is based? For example, it is 100%
17 in the case of vessels not having a pilot on board.

18 Q. Section 9 of Pilotage by-laws for the District,
19 Exhibit 429 contains the two following paragraphs:

20 "(1) After deducting the amount required for the
21 Quebec Pilots' Pension Fund the Superintendent shall
22 pay to each Pilot the remainder of the pilotage dues
23 earned by him.

24 (2) Collections arising from the compulsory payment
25 of pilotage dues when no pilotage services have been
26 performed shall be paid to the Quebec Pilots' Pension
27 Fund."

28 Mr. Maynard, I would like to show you Exhibit
29 556 entitled Pilot's Source Form. Would you please tell
30 me if this is the document which is used within your



1 French

2 District as a pilotage card and the document, one copy
3 which you receive?

A. Yes.

4 MR. LALONDE: Thank you, Mr. Menard.

5

6 CROSS-EXAMINATION BY MR. MASON:

7 English

8 Q. I just have a few questions if I may continue
9 in English. How many paid employees does the Corporation
10 have?

11 A. Two.

12 Q. Yourself and the typist, stenographer?

13 A. Yes.

14 Q. Referring to Exhibit 597 which is distribution
15 number 6 we would gather that the different amounts are
16 paid to Class C-1 pilot and Class C-2 pilots; is that
17 correct?

18 A. Yes, it is correct, according to the by-laws.

19 Q. According to the by-laws?

20 A. Of the Corporation.

21 Q. This figure \$72,234.25 at the bottom, how

22 What does that represent?

23 A. That is accounts receivable for the period.

24 Q. What period?

25 A. Not for the period. Up to date.

26 Q. For the year?

27 A. For the year.

28 Q. Now, clause number 30 of the By-Laws of the
29 Association deals with the amounts to be paid by the
30 Association to the Federation?



English

1 A. Yes.

2 Q. And it provides for the payments, I would
3 gather, of an entrance fee, and also of annual dues?

4 A. The Federation, you mean?

5 Q. Yes, this is an amendment dated the 28th of
6 December, 1955?

7 A. Yes, an assignment form.

8 Q. Was there, in fact, an entrance fee to the
9 Shipping Federation?

10 A. No.

11 Q. There was no fee?

12 A. No.

13 Q. So the Corporation then paid no assessment in
14 the way of an entry fee to join the Federation?

15 A. No not at all.

16 Q. I wonder if you could explain to me referring
17 to the balance sheet for 1962 how the amount of \$23,100.00
18 is arrived at?

19 A. That includes the dues paid to the Federation
20 and to the Guild.

21 Q. I wonder if you could tell me in what proportion
22 this is broken down?

23 A. I think it is about \$5,000.00 to the Guild,
24 a little more than \$5,000.00 to the Guild and the rest to
25 the Federation.

26 Q. First, to deal with the amounts paid to the
27 Guild, that is paid in accordance with regulation number
28 30?

29 A. Yes.

30 Q. So much per man?



1 English

2 A. So much per member, yes.

3 Q. Has that been paid by the Corporation ever
4 since its inception ?

5 A. Yes, it has been paid since 1954 or 1955.

6 Q. The same amount?

7 A. Yes. Not exactly the same amount. It
8 increased since that date.

9 Q. Can you tell me how the Corporation goes
10 about paying the balance to the Federation? Does the
11 Federation bill the Corporation from time to time?

12 A. Yes, we receive a notice from the Federation
13 that these dues are to be paid.

14 Q. Is that a set due?

15 A. There is a set due and there may be a special
16 due.

17 Q. How much is the set due?

18 A. Last year the set due was \$100.00.

19 Q. \$100.00 per man?

20 A. Yes, per man, that is \$7,700.00.

21 Q. And this amount is approved, is it, at the
22 annual meeting?

23 A. Of the Corporation?

24 Q. Of the Corporation?

25 A. Well, it is in the By-laws.

26 THE CHAIRMAN: The By-laws of what?

27 THE WITNESS: Of the Corporation.

28 THE CHAIRMAN: I mean whatever amount of
29 bill you receive from the Federation you are obliged to
30 pay as long as the bill was made in accordance with the



1 English

2 By-law?

3 THE WITNESS: Yes, as long as it is made
4 without discrimination and pro-rated.

5 THE CHAIRMAN: Per capita, on the whole
6 strength of the members of the Federation?

7 THE WITNESS: Yes, the Corporation is not,
8 I mean forced -- wouldn't be a member of the Federation
9 any more if it doesn't pay dues.

10 MR. MASON: Now, a pilot who does not belong
11 to the Corporation, does he pay dues to the Federation?

12 A. He doesn't belong to the Corporation, but
13 belongs to the Association and the fees are the same for all
14 members according to the amendment brought to the By-laws
15 of the Association.

16 THE CHAIRMAN: Am I correct in saying that the
17 Association is also a member of the Federation?

18 THE WITNESS: Yes, it is.

19 THE CHAIRMAN: And you have the same by-laws
20 for the Federation and the Corporation?

21 THE WITNESS: No.

22 MR. LALONDE: The same by-laws for the
23 Corporation and the Association, not the Federation.

24 MR. MASON: So we have so far \$5,000.00 to
25 the Guild and \$7,700.00 to the Federation. The balance
26 I would gather that is a special fee?

27 A. Yes, that is what it is.

28 Q. And how is that special balance determined?

29 A. It is determined by the Federation.

30 Q. Is approved of by the general membership of



1 English

2 the Corporation?

3 A. Well, it is always according to the by-laws
4 that the Corporation has to pay the fees as set by the
5 Federation.

6 Q. Now, there is an additional item of \$1,674.00
7 set out under the \$23,100.00. What special fees would
8 that represent?

9 A. I think that is \$150.00.

10 Q. Who is it paid to?

11 A. To the Federation.

12 Q. That is paid also to the Federation?

13 A. I am sorry I didn't get your question.

14 Q. May I repeat the question, the amount of
15 \$23,100.00, there is a figure of \$1,674.25. What does
16 that represent?

17 A. That amount represents expenses from the
18 Annual General Meeting last year, expenses of the Corpor-
19 ation, travelling expenses and all these expenses.

20 THE CHAIRMAN: Are these expenses of the
21 Federation or expenses of the Corporation?

22 THE WITNESS: Of the Corporation.

23 MR. MASON: Thank you.

24

25 CROSS-EXAMINATION BY MR. BRISSET:

26 French

27 Q. Mr. Menard, this amount of \$1,674.25 which
28 is indicated for the general special meeting, does that
29 amount represent the contribution of the Corporation of
30 Lower St. Lawrence Pilots towards the expenses for the



1 French

2 meeting held in Three Rivers at the beginning of April,
3 1962 when there was a stoppage of work?

4 A. No, these are only the expenses incurred by
5 the Corporation, incurred by its officers or representatives
6 at the stoppage of work for travelling allowance, the
7 administrators and officers, but this is not, it is not paid
8 to the Federation.

9 Q. Now, you shed a light on this point, this is
10 to do with the expenses of the officers of the Corporation
11 of Lower St. Lawrence Pilots concerning the stoppage of
12 work of April, 1962?

13 A. Yes, expenses of the Directors and other
14 expenses which may have been incurred on that particular
15 occasion.

16 THE CHAIRMAN: This is added to other items,
17 travelling expenses for the Directors would amount to
18 \$1,502. and a few odd cents?

19 A. Yes, because expenses of that particular
20 occasion were completely set aside.

21 MR. BRISSET: Q. Is there a detailed state-
22 ment of this particular expense which is available?

23 A. Well, I don't have it before me right now
24 but I could always get it. I can't get it in a few
25 minutes, but I certainly can get it.

26 Q. As it has been decided to put these expenses
27 in a special account or to make a special item out of
28 these expenses you must certainly have detailed statements
29 about them in your records?

30 A. That is what I mean, the vouchers are not



1 French

2 necessarily classified within the account but with the
3 other question could you please prepare a detailed
4 statement for these special expenses to the amount of
5 \$1,674.25 and file it as Exhibit 685.

6
7 ---EXHIBIT No. 685: Detailed statement for special
8 expenses of officers of the Corpora-
9 tion of Lower St. Lawrence Pilots
concerning the stoppage of work of
April 1962.

10
11 Q. Now, let us get back to the item of \$23,100.00
12 for Association dues or fees, and to that effect I would
13 like to refer you to clause 30 of the Regulations for the
14 Licenced Pilots of Quebec Harbour and you will see it says
15 that the amount of dues to the Guild will be \$48.00 per
16 member. If my computation is accurate would you confirm
17 that the total dues for the year 1962 for the 77 members
18 of the District is \$3,696.00.

19 MR. LALONDE: I wouldn't like my colleague
20 to mislead the witness, but it is very clearly indicated
21 in the last paragraph of Section 30 as amended that the
22 amount can be higher. I will ask my colleague in order to be
23 quite clear just to read the mention which is made in
24 this paragraph where it states it is very well understood
25 that the amount to be paid is \$48.00 per member or any
26 other amount which may be lesser or higher which may be
27 set from time to time, set by the Merchant Service Guild.

28 MR. BRISSET: Q. So the amount of dues for
29 the year 1962 was restricted to \$3,696.00?

30 A. No, it was \$50.00 per member.



1 French

2 Q. So at any rate the total amount of the dues
3 to the Guild by the 77 pilots was to the amount of
4 \$5,675.00?

5 A. Yes.

6 Q. Now, if you go from \$23,100.00 the amount of
7 dues of the Guild and the dues of \$100.00 per member to
8 the Federation, what I would call the basic dues, you
9 have a difference of how much?

10 A. \$10,000.00 -- \$9,725.00.

11 Q. Was this amount of \$9,725.00 additional dues
12 charged by the Federation to the Corporation of the Lower
13 St. Lawrence Pilots for the fiscal year 1962?

14 A. Yes.

15 Q. Now, can you please tell me how these dues
16 were levied, were they billed for that amount?

17 A. We were notified by the Federation through
18 a letter -- not a bill -- notified that was the special
19 dues necessary.

20 Q. To the amount of \$9,725.00?

21 A. Yes, according to the figures I have before
22 me.

23 Q. When that bill was received were you given
24 the basis upon which the dues had been computed?

25 A. Well, I was advised that it had been estab-
26 lished according to the number of members of the Federation.

27 Q. When you are talking about members you are
28 talking about individual pilots, not member groups?

29 A. No, I am talking about pilots.

30 Q. Were you in a position to submit to the pilots



1 French

2 of your District a statement explaining how the amount
3 of dues had been established?

4 A. Well, they had in accordance with the by-laws
5 -- these are the by-laws of the Corporation and each
6 fortnight they are notified by a statement of expenditures
7 which is handed to them.

8 Q. I would like to refer to Exhibit 597 which
9 is Distribution number 6 of July 20th, 1963. I would like
10 to draw your attention to an item to be discussed,
11 Federation dues for six months, \$3,850.00. It is simply
12 half of the annual dues of \$100.00 for 77 pilots?

13 A. Yes.

14 Q. And not special dues that have been levied
15 in 1963?

16 A. No.

17 Q. Now, would you please refer to Schedule B,
18 financial statement of December 15th, 1962 and more
19 specifically I would ask you to look at item Pilotage
20 and tell me what was, for the year 1962 the number of
21 basic pilotage which was used in order to determine the
22 distribution?

23 A. Well, it was 108.

24 Q. So any pilot who had performed 108 trips that
25 year was considered as a pilot 100%, considered as
26 effective pilot to be 100%?

27 A. Yes.

28 Q. I note that in the course of your evidence
29 you referred to 6/10ths of a pilot and I understand that
30 in your District there is nothing astonishing to refer



1 French

2 to a pilot as not entirely complete or a whole pilot?--

3 A. I mean 6/10ths of a payroll.

4 Q. Don't you think we could use the same type of
5 expression in the field of statistics?

6 A. Naturally we can always have recourse to
7 different types of expressions.

8 Q. On this basis of 108 turns or trips it would
9 be accurate to say that the basic earnings of each pilot
10 reached the figure of \$13,473.00?

11 A. Yes, so far as pilotage earnings are concerned.

12 Q. And to that in each case you add the movages,
13 the pensions, earnings for Grade A?

14 A. Yes, assistance for illness and assistance
15 for suspensions, if that is the case.

16 Q. And the amount of \$13,473.00 naturally takes
17 into account the deduction of 10% which is paid to the
18 pension fund as compared to the real earnings?

19 A. In fact it represents 90% of the pilotage dues.

20 Q. During your evidence you talked about checking
21 you are making concerning the turns allotted by the
22 Pilotage Authority by obtaining every day an assignment
23 list and reports that you received a fortnight or rather
24 every three or four times per fortnight. Now, the turns
25 shown on the report you received from the Pilotage
26 Authority are determined, I understand, according to the
27 by-laws of the Corporation?

28 A. Well, according to the dispatching by-laws.
29 You mean the list we receive from the D.O.T. The turns are
30 granted according to the by-laws of dispatching.



1 French

2 Q. And these by-laws are the same as the Corpora-
3 tion by-laws, by-law number 2?

4 A. In by-law number 2 mention is made of allowing
5 turns to pilots, but the whole procedure of dispatching
6 is not explained there in by-law number 2.

7 Q. What I wanted to get at was if you allot turns
8 to a pilot who hasn't, in fact, performed his turns, these
9 turns will be showed on the document that you received
10 from the Superintendent?

11 A. Well, we advise him that there are some turns
12 to be granted to one man or another.

13 Q. In other words the number of turns shown
14 on the document you receive from the Supervisor should be
15 compared with the number of turns allotted by the Corpora-
16 tion; is that a fact, if we implement by-law number 2?

17 A. Yes.

18 Q. The two must balance?

19 A. Yes.

20 Q. Would you please tell me what was the basic
21 number of turns for the year 1961 which determined the
22 final distribution?

23 A. I think it is 104. Yes, that is correct, 104.

24 Q. Could you give me the information for the year
25 1960?

26 A. It is 105 and one half.

27 Q. Well, Mr. Menard, during the financial year
28 what would be on the average, the average amount of cash
29 or bank amount which is carried by the Corporation?

30 A. This might vary from \$8,500.00 to \$2,000.00.



1 French

2 I will not make a distribution for \$100.00. Sometimes it
3 may vary. Therefore the amount which is held in the bank
4 -- there is no specific rule.

5 Q. In other words you never keep a considerable
6 amount either of cash or in your bank account?

7 A. No.

8 Q. Do you invest funds throughout the financial
9 year?

10 A. For the pension fund, yes.

11 Q. No, I am talking of the Corporation of Lower
12 St. Lawrence -- you have no investments, no reserves?

13 A. No, except in season we reserve for the winter
14 expenses, but throughout the season as soon as we receive
15 money we distribute it.

16 Q. What is the average reserve for winter
17 expenditure?

18 A. I think it is \$12,000.00.

19 Q. At the end of 1962 I find in the financial
20 statement of 15th December, 1962, that there is a balance
21 of \$750.00 undistributed or to be distributed to pilots,
22 \$750.00 per pilot. Could you tell me when was this
23 distribution made?

24 A. I think there was \$500.00 on the 25th December
25 and the balance was on the 5th of January.

26 Q. I don't think we usually indicate when the
27 distribution was, in fact, made, but simply when it was
28 declared; is that correct?

29 A. Well, if this happens only at the end of the
30 year we will inform the members on the 15th of December



1 French

2 that they still have the following, such amounts to
3 receive, that during the season the distribution is made
4 every fortnight according to the money received.

5 Q. Well, in other words during the season the
6 distribution is made according to the date payments are
7 received?

8 A. Yes.

9 Q. My last question, Mr. Menard, you told me --
10 you told us in 1962 in Schedule A that item, over income
11 or miscellaneous income, you have a figure of \$2,405.00.
12 This amount represents the discounts in the Federation
13 of the value of turns allocated to the President by the
14 Federation?

15 A. Yes, that is correct.

16 Q. This is the value of turns allocated after
17 dealing with Administration of the Corporation which is
18 separate from the business of the Corporation, of the
19 Association and the Corporation?

20 A. Well, yes, in a way. It isn't exactly the
21 same bodies.

22 Q. In other words, if you refer to Exhibit 654
23 where there is a list of turns granted in 1962, 1961 and
24 1962 the 23 turns, I believe were allocated in....

25 A. 19½ in 1962.

26 Q. 19½ turns allocated to Mr. Bedard, President
27 of the Federation -- I am sorry -- I would like to know
28 if these 19½ turns allocated at this time to Mr. Bedard
29 were allocated for the work done for the Federation or the
30 Corporation?



1 French. *... the ...*

2 A. For the Federation.

3 Q. Were any turns allocated for the work done on
4 behalf of, as Administrator of the Corporation?

5 A. No.

6 Q. Well, is this amount of \$2,405.00 representing
7 the value of $19\frac{1}{2}$ turns appearing on the Exhibit I quoted
8 before?

9 A. It represents $18\frac{1}{2}$ according to the calculations
10 unless there is a mistake, an error. There are some turns
11 which were granted for 1963 instead of 1962 because the
12 fiscal year is not the same for the D.O.T. and for the
13 Corporation.

14 Q. Well then, it would be one turn which has
15 been paid out, I may use this word, of the income of the
16 Corporation of the Lower St. Lawrence Pilots while this
17 is being paid with the income of the Federation of the
18 St. Lawrence Pilots?

19 A. No.

20 Q. Well, I must confess this isn't clear to me,
21 and I was trying to find an explanation?

22 A. According to the figures given here the
23 D.O.T. has granted $19\frac{1}{2}$ turns, credited to the President
24 for 1962 but maybe it is not 1962 because the year cal-
25 culated by the D.O.T. ended on the 31st of December and
26 calculated by the Corporation ended on the 15th of
27 December.

28 Q. Well then in fact, who paid for these turns,
29 is it the Corporation or the Federation?

30 A. It is the Federation. It may be then in 1961,



1 French

2 but I don't remember -- it may be Mr. Bedard, not being
3 President for the whole year.

4 THE CHAIRMAN: It was paid at what rates per
5 turn?

6 THE WITNESS: \$130.00 to be readjusted at the
7 end of the year on the basis of the exact value.

8 THE CHAIRMAN: Which was \$104.00.

9 THE WITNESS: Well, this was done in 1963
10 only because it couldn't be established on the 15th of
11 December.

12

13 CROSS-EXAMINATION BY MR. JACQUES:

14 Q. Mr. Menard, in the financial statement of
15 1962, Exhibit 597, Schedule A, you have an item in
16 expenses which is called Travel Expenses of Administrators.
17 What kind of travels were these, business travels on
18 behalf of the Corporation? Were any travels relating to
19 the General Annual Assembly?

20 A. No, all the expenses relating to the General
21 Assembly, General Special Assembly were shown under this
22 item.

23 THE CHAIRMAN: Did you ask -- what is the
24 answer? Could you ask the question again please?

25 Q. I am just coming to it, Your Lordship. We
26 had a special General Assembly and a figure \$1,654.25
27 during that year of 1962. Were there more than one
28 General Assembly?

29 A. Well, there were two, in fact, but they were
30 on the same date, for the same period.



1 French

2 Q. It is a few days from one another. Would
3 members of the Corporation meet in Assembly meeting, how
4 many times last year?

5 A. Well, we had a General Annual Assembly then
6 we had an Assembly on the 4th of April. There was another
7 one on the 6th April which was adjourned later, postponed
8 to a later date.

9 Q. According to the minutes when was the General
10 Annual Assembly?

11 A. In January.

12 Q. And later you said there was how many meetings?

13 A. Special meeting or Assembly on the 4th of
14 April, another special Assembly on the 6th April, and this
15 first Assembly -- the last one on the 6th of April lasted
16 more than one day.

17 Q. Expenses shown under the item General Special
18 Assembly refers to the 4th April or the 6th April?

19 A. To both.

20 THE CHAIRMAN: It was an Assembly of the
21 Corporation not of the Federation ?

22 THE WITNESS: That is correct. Assembly of
23 the Corporation.

24 MR. JACQUES: In order to be quite clear and
25 indicate there is no duplication, will you pass on to
26 Schedule C of your Balance Sheet or Financial Statement
27 which is an analysis of the overhead expenses. You have
28 one which refers to Annual Assembly Conventions Reports
29 and rental of the room. It is \$242.64. This doesn't
30 cover the other assembly?



1 French

2 A. No.

3 Q. Also there is an item referring to expenses
4 of officers and administrators. Is that different from
5 travelling expenses?

6 A. Yes, this includes all expenses of officers
7 and administrators, for instance, to come to the office
8 of the Corporation. What we mean by travel expenses is
9 going to Montreal or Ottawa, or long distance travelling.

10 Q. You have a breakdown of expenses and travel.
11 Could you bring that with you this afternoon, please, for
12 1962? I don't know if I am going to produce it this
13 afternoon, Your Lordship, but I would like to read it
14 before I take the decision on it. Would you please also
15 bring in for this afternoon a breakdown of the amount of
16 \$829.36 which is reimbursement of expenses of officers
17 and administrators for the year 1962, \$829.36, I repeat;
18 and also a breakdown of the entertainment and a represent-
19 ative expenses of \$847.86, and also perhaps you will do
20 some searching here, but could you explain the item of
21 administration of the pension fund, \$655.85? Maybe you
22 will need some documents and if it is necessary would you
23 please bring this documentation with you.

24 MR. LALONDE: Your Lordship, in order to avoid
25 any doubt of the spirit in the mind of everybody I would
26 insist that these documents be filed and produced.

27 THE CHAIRMAN: All right. This meeting is
28 adjourned until 2:30 this afternoon.

29 ---Adjournment.
30



1 French

2 ---Upon commencing at 2:30 p.m.

3

4 MR. RICHARD: With your permission, My Lord,
5 before the examination starts I would like to file a copy
6 of a magazine which gives the specification of the ships
7 of the Lauritzen Line, ships which are reinforced for ice.
8 I think these specifications have been asked for or offered
9 by Mr. Langlois.

10

11 ---EXHIBIT NO. 686: Magazine of the J. Lauritzen Lines
12 giving all the specifications of their
13 fleet, all the vessels of their fleet,
14 vessels reinforced for ice navigation.
15 J. Lauritzen Polar Fleet is the title
16 of the magazine. As it is not a pub-
17 lication, there is no number for the
18 edition or date, and so forth.

15

16

17 CROSS-EXAMINATION BY MR. JACQUES CONTINUED:

17

18 Q. Mr. Menard I think you did not have time to
19 make all the comments that I asked you for before adjourn-
20 ment. If you wish, we are going to leave that subject
21 matter for the time being and pass on to something else.
22 I see on Exhibit 597 that Schedule C is an analysis of
23 General Expenses, and I see an item administration of the
24 pension fund?

24

25 A. Yes.

25

26 Q. Now if I go back to the financial statements
27 of the pension fund, and I note that there is no entry or
28 item for administration expenses for the pension fund,
29 would you be in a position to explain this?

29

30 A. According to the resolution adopted at the



1 French

2 Annual Meeting of the Members of the Corporation of the
3 Lower St. Lawrence Pilots, it had been agreed that the
4 administration costs of the pension fund be paid by the
5 Corporation of Lower St. Lawrence Pilots, that is the
6 active pilots.

7 Q. Could you please bring tomorrow with you a
8 certified copy of that resolution. I think that the same
9 phenomenon occurs in the year 1961. I think that the
10 amount is more or less similar. Do you remember the date
11 on which that resolution was adopted?

12 A. I think it was in April 1961. Or at least
13 in the spring of 1961. Perhaps in March.

14 Q. I would like to show you the financial state-
15 ments for the pension fund for the fiscal year 1960 and
16 under heading of Statement of Expenditures and Income I
17 see administration, administration costs for the invest-
18 ment, aside from the rest. Could you please explain that?

19 A. At that time there was a set amount that the
20 Corporation of the pension fund paid \$2,000.00 per year to
21 the Association at the time for the administration of the
22 pension fund so out of this amount \$1,380.54 has been paid
23 directly and the Association was to assume all the adminis-
24 tration cost so out of that amount, \$1,380.54 has been
25 paid directly to the Association. I am sorry here, has
26 been paid directly to the General Trust of Canada while
27 the balance, that is \$619.46 has been paid to the Associa-
28 tion.

29 Q. If I understand properly, the amount of
30 \$619.46 represents only the balance other than the \$2,000.00?



1 French

2 A. Yes.

3 Q. It is not the present administration cost,
4 this \$619.46?

5 A. No.

6 Q. This procedure, that is that the \$2,000.00
7 to the Association, dates back to what year?

8 A. That is the amount -- the amount has not always
9 been \$2,000.00 but just the same there is always an amount
10 that is paid to the Association by the Corporation, with
11 the exception of the last few years.

12 Q. Do you remember exactly when that amount was
13 set at \$2,000.00?

14 A. In the year 1955 or 1956. That is the first
15 year that the Corporation paid \$2,000.00. In 1957.

16 Q. By "Corporation" naturally you refer to pension
17 fund in 1957?

18 A. Yes.

19 Q. And prior to that were the amounts paid to
20 the Association by the pension fund?

21 A. Yes. It was \$1,300.00.

22 Q. Until when?

23 A. In 1948 it was \$1,300.00.

24 Q. Do the two amounts of \$1,300.00 and \$2,000.00,
25 were they lump sums? Whatever the set sums were, whatever
26 it cost the Association?

27 A. Yes.

28 Q. In 1961/62 how did you compute the item
29 "pension fund administration \$655.80"?

30 A. This is the account for fees that we have



1 received from the General Trust of Canada for the keeping
2 of the securities and the administration.

3 Q. You do not charge part of your overhead to the
4 Corporation?

5 A. Nothing at all.

6 Q. With the exception of the bill for fees that
7 you received from the Trustees?

8 A. You mean the Corporation of the Pension Fund?

9 Q. Yes?

10 A. Well the Corporation for the Pension Fund does
11 not pay anything for the administration cost. It is paid
12 by the Corporation of the Lower St. Lawrence Pilots, active
13 pilots.

14 Q. Could you please refer to clause 26 (b) of
15 the by-laws of the Corporation of the Lower St. Lawrence
16 Pilots the section reads as follows: "he..." that is the
17 Treasurer "...has the responsibility of their use." That
18 is the use of the moneys "...in accordance with the by-laws
19 of the Corporation and the authorization of the adminis-
20 trators." I think that we find exactly the same text in
21 article 8 (d) of the by-laws of the Corporation for the
22 Corporation of Pilots for the Quebec Harbour and Below,
23 that is for the Pension Fund.

24 These two sections make you responsible for
25 the use of the fund in accordance with the by-law. Could
26 you please explain to the Commission how you proceed,
27 practically speaking, in order to ascertain that the funds
28 are used in accordance with the by-laws?

29 A. The General by-law, that is by-law number 2
30 explains the breakdown of funds and the administration of



1 French

2 such funds.

3 Q. Could you please repeat your answer?

4 A. By-law number 2 explains the way in which the
5 moneys of the Corporation are broken down. That is for
6 the distribution of members or for the payment for expendi-
7 tures.

8 Q. The expenditures, do you pay them as you
9 receive the bills or do you accumulate reserves every month
10 for the expenditures which are paid, for example, only
11 once per year?

12 A. There are no reserves for expenditures. Every-
13 thing is paid as soon as we are billed.

14 Q. Does it ever happen, for example, that in a
15 given month that the earnings of pilots would be decreased
16 if you received a big bill, for example?

17 A. Yes.

18 Q. I am talking, for example, about paper,
19 \$1,000.00. Was that paid in the same month?

20 A. If I remember it was for the printing of
21 envelopes or letter paper.

22 Q. And this bill has been paid upon being
23 received?

24 A. Yes.

25 Q. Do you have proxies from each and every pilot
26 for the collection of pilotage dues?

27 A. That is, we have no proxy due to the fact
28 that in the by-laws of the Association and the Corporation
29 all members commit themselves to give to the Secretary-
30 Treasurer all the money earned.



1 French

2 THE CHAIRMAN: Could you please give the
3 reference to that. What section have you read?

4 A. With this section 10 of the by-laws of the
5 Association of licenced pilots for Quebec Harbour and
6 Below.

7 Q. This is the Association Act produced as
8 Exhibit 592 and I would like to give you a copy of the
9 by-laws of the Corporation, Exhibit 672. In the by-laws
10 of the Corporation of the Lower St. Lawrence Pilots.

11 A. By by-law number 2, article 1, it is indicated
12 that all the pilotage dues which are given to the pool des-
13 cribed in this by-law, as well as all other amounts given
14 to pilots, are collected by the Corporation and can give
15 them for each member. If a member receives such dues, he
16 should give them to the Corporation within eight days,
17 unless he is forced by law to hand them to authority or
18 somebody else. This is by-law number 2 which states the
19 following:

20 "The Board, by a resolution may require from any
21 member any proxy in favour of the Corporation or
22 of its officers or employees that it deems useful or
23 necessary in relation to the collection and the
24 receipt of pilotage dues or any other sum that
25 should be received or collected by the Corporation."

26 THE CHAIRMAN: The last section that you read
27 is article 2 of by-law number 2?

28 THE WITNESS: Yes My Lord.

29 Q. With the exception of these texts that you
30 have just read, do you have individual proxies signed by



1 French

2 each pilot?

3 A. No.

4 Q. Ever since the establishment of the Corporation
5 of the Lower St. Lawrence Pilots did you go on keeping a
6 book of the minutes of the Association?

7 A. Yes.

8 Q. Separate from that of the Corporation?

9 A. Yes.

10 Q. Ever since the establishment of the Corporation
11 have you prepared separate financial statements for the
12 Association?

13 A. No. In accordance with the by-laws of the
14 Corporation, well it was the same one. The financial
15 statement is the same one.

16 Q. So you still have the book of minutes of the
17 Association but no financial statement?

18 A. No, not under the name of the Association.

19 Q. In this book of minutes of the Association,
20 what minutes are inserted therein?

21 A. Well the minutes of the Annual Meeting.

22 Q. Of what?

23 A. Of the Association.

24 Q. Do you also insert the minutes of meeting
25 of the Directors?

26 A. No.

27 Q. So if I understand you properly, there are
28 still some Directors of the Association existing?

29 A. Yes.

30 Q. Do these Directors of the Association meet



1 French

2 at given times?

3 A. Well they meet every time there is a meeting
4 of the Board of the Corporation because according to the
5 by-laws any decision about the Corporation becomes a
6 decision of the Association.

7 Q. There are no meetings of the Directors of the
8 Association which would be separate or independent
9 from that of the Directors of the Corporation?

10 A. No.

11 Q. Could you please look at Section 5 of the
12 By-laws of the Executive Committee of the Association of
13 Pilots. This has to do with the remittance of cheques,
14 distribution to persons other than those beneficiaries
15 of such persons. This is more or less the content of
16 that article?

17 A. Yes.

18 Q. Is it put into practice?

19 A. The article is enforced unless I am forced to
20 send part of a cheque for a member to another person.

21 Q. What do you mean exactly by that?

22 A. If there was a seizure?

23 Q. Well this is all right. This is an order of
24 the Court, but can you be forced, aside from that?

25 A. No, unless I deposit it at the bank in the
26 name of the person to whom the cheque is made.

27 Q. I would like to refer you now to article 14
28 of the same by-law, especially to the last sentence of
29 that section which I read, in referring to the Secretary:
30 "The Secretary is also prohibited to negotiate for these



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2 purposes which are transfer of salary as a whole or in
3 part the cheques of pilots through his own personal account
4 or else any other way these transfers as requested by them,
5 they should receive only the balance of their dividend."

6 Do you think this article is still in force?

7 A. The cheque is given to the pilot in its
8 entirety.

9 MR. BRISSET: The cheque of the Corporation?

10 THE WITNESS: Yes.

11 Q. Does the Association still issue cheques?

12 A. No.

13 Q. I would like to refer you to Exhibit 643 as
14 regards the assignment list. Ever since the beginning of
15 the evidence here I was led to understand that there is
16 a difference between a turn and a trip, or a pilotage.
17 This morning, in the course of your evidence, everybody
18 used the expression "turn". So that there may not be any
19 confusion whatsoever, the assignment list of July 24th
20 1963, amongst other items you have said the average number
21 of turns would be 46 trips. When you use the expression
22 "average of turns" you refer to turns that you allocate
23 in accordance with the by-laws?

24 A. Yes.

25 Q. And on Exhibit 643 is it the number of trips
26 that the pilot has performed or the number of turns granted
27 by the Corporation?

28 A. This is the number of trips performed plus
29 the number of turns credited by the Corporation.

30 Q. The "half" you see on that list, would those



1 French

2 be half turns or half trips?

3 A. It might be both. It can be half a trip or
4 half a turn according to the fact if the pilot has half
5 a turn or Half a trip in the course of the season.

6 THE CHAIRMAN: If he has received one-third
7 of a trip, then he receives one-half a turn.

8 Q. So on that list it includes the figure, on
9 the left hand side of the name of the pilot, it includes
10 the true number of trips he has performed plus what the
11 Corporation of pilots has allocated to him in number of
12 turns?

13 A. Yes.

14 Q. And one turn does not necessarily mean one
15 trip?

16 A. No.

17 Q. So the average on Exhibit 643--- (power
18 failure)

19

20 ---Short Recess.

21

22 Q. If I understand your explanation properly,
23 the local Supervisor, when he prepares the assignment
24 list will allocate to the pilot one turn for one trip
25 done from Quebec to Escoumains and if that pilot, in
26 the course of the preceding day, went to Port Alfred or
27 Chicoutimi, he is going to allocate him one turn and a
28 half?

29 A. Yes, in that case as well.

30 Q. And if the pilot accomplished one-third of



1 French

2 a trip, he is going to allocate him one-half a turn?

3 A. Yes.

4 Q. So what you have on the assignment list are
5 turns and not trips?

6 A. Yes.

7 Q. So the expression "turns" as it exists in the
8 assignment list corresponds exactly to the same expression
9 "turn" which is found in your by-laws?

10 A. Yes.

11 Q. Exactly the same then?

12 A. Yes.

13 Q. So when you receive this assignment list,
14 to prepare your payroll, naturally you have priority.
15 For example, let us say you receive Exhibit 643 today.
16 In order to prepare the payroll, you know that a fortnight
17 ago the average of turns was 40, let us say, so if the
18 average today is 46, that is that six turns have been
19 performed in the course of that fortnight and if somebody
20 had 43 turns, he does not receive the same thing as the
21 others?

22 A. No. We take off a turn for that one.

23 Q. And if he has 48 or 49 turns?

24 A. He does not receive more than the others.

25 Q. With the exception his name is placed at the
26 bottom of the list?

27 A. Yes.

28 THE CHAIRMAN: On the other hand, he would not
29 have to do as many turns in order to have as much as the
30 others during the next fortnight?



1 French

2 THE WITNESS: Exactly.

3 Q. I would like to show you part of Exhibit 597
4 which is the distribution sheet number 6. The two first
5 entries are very well understood. For example, balance
6 in the bank and collection. Now let us pass to items to
7 be deducted. The name of Miss Bilodeau, who is your
8 Secretary, her name appears twice.

9 A. She is paid once per week. That is twice
10 during the fortnight.

11 Q. Your wages are not shown on sheet number 6?

12 A. I found that out this morning. Because it
13 appears twice on sheet number 7, we have omitted my name
14 on sheet number 6. I did not type the sheet myself.

15 Q. I am not blaming you. I only thought you were
16 paid once per month instead of twice a month. Consequently
17 that your name would appear only once per month on the
18 sheet. The fortnightly items, in the item to deduct is
19 the pension, Grade A, etcetera. These are funds which go
20 directly to the pilot?

21 A. Yes. That is correct.

22 Q. Because the amount of \$69,899.26, and so on,
23 includes movages, deductions, cancellations, etcetera?

24 A. That is correct.

25 THE CHAIRMAN: Well in other words, you deduct
26 the particular amount so that you have then only the
27 common fund which will be subdivided?

28 THE WITNESS: That is correct.

29 Q. Well you have an average of 41. Has this
30 average been established by the -- you have, for instance,



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2 piloting items Class C1, Mr. X, such an amount. Class
3 C2, you have two or three names and you have the figure
4 multiplied by three.

5 A. Well Class C1 is the first year he is in
6 Class C. He receives 75% of the salary of other pilots
7 so the salary here is so much. Class C2 are pilots for
8 the second year in Class C, and they receive 85% of the
9 salary of other pilots but they don't handle vessels of
10 more than forty tons.

11 Q. Before doing this operation you must have
12 established the salary at 100%. How did you proceed to
13 establish this?

14 A. Well I computed according to the number of
15 pilots who were 100%, and then---

16 Q. Let us take an example with 41 turns. One who
17 has 41 turns is entitled to full salary. Suppose you
18 have one who has only 38 turns. He is entitled to full
19 salary less one turn?

20 A. It's less \$130.00, which is the value of one
21 turn but I will add to the gross income this amount of
22 \$130.00, I will have the total there. It will then be
23 divided by the number of pilots. As regards the pilots
24 of Class B1 and B2---

25 Q. Sorry. Let's talk about Class B pilots who
26 has one turn less than the others. You divide your gross
27 income, plus so many times \$130.00 for the turns behind,
28 and then you divide by the number of pilots?

29 A. I am coming to Class B so as I can explain in
30 Class C he received three-quarters of the salary. There-



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2 fore, instead of dividing by 75 you divide by 74 and
3 three-quarters or 74 and a half, according to the number
4 of pilots in Class B.

5 THE CHAIRMAN: So you can consider him as
6 three-quarters of a pilot?

7 THE WITNESS: That is correct. Three-quarters
8 of a pilot's pay.

9 Q. Now you have this division which gives you
10 a figure. What do you do with this figure? How did you
11 adjust it to take into account everything you have said
12 concerning the trips behind pilots of Class C, C1, C2?

13 A. Well I write in the pilots who do not get the
14 regular distribution. That is those who are late, those
15 who are ill. This gives me the total deduction from the
16 gross income.

17 Q. You have established 75% of your total, or
18 85% in the case of Grade C2. Then what did you do?

19 A. Well I included the number of pilots who are
20 included in the regular distribution but who are in the
21 Class C, who are a few trips behind.

22 Q. So you subtract from the normal division the
23 \$130.00 from the gross income and this gives you the net
24 income of the pilot?

25 A. That is correct and I have done a net amount
26 of X. The calculation has been made before. Then this
27 is distributed amongst the pilots whose name is not on
28 the list here.

29 Q. This list includes mention that Mr. X, 30
30 pilotages, distribution so much, refund four times \$130.00.



1 FRENCH

2 A. Well this meant that he caught up and
3 he did some of these trips he was behind and he was behind
4 during this particular period and he caught up with the
5 average number and he is getting the same refund.

6 Q. Well in distribution number 6, this
7 particular pilot had a higher number of turns than 41
8 turns?

9 A. No. He only had 30.

10 Q. But if the pilot catches up his turns
11 and comes up to the average and goes above the average,
12 you give him nothing?

13 A. Well once he is equal to the average,
14 then he gets his refund for the earnings lost before.
15 Well then he gets nothing more.

16 Q. Well, as the one who goes above average
17 doesn't get any more money?

18 A. No.

19 THE CHAIRMAN: According to the system somebody can
20 catch up with the turns which were lost but they cannot
21 take much advantage, he will not be on top of the assign-
22 ment list if he has already the maximum?

23 A. Well, sometimes it is coincidence, but
24 there is no change of turn on the assignment list.

25 MR. JACQUES: Q. Well, you said in Exhibit
26 643, concerning Exhibit 643 that you checked to see if the
27 pilots regularly piloted. What do you mean by that?

28 A. Well, I ascertained that he had piloted
29 regularly. I checked according to the previous list, and
30 if I see that he was low on the previous list I then



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2 calculate that he didn't pilot regularly.

3 Q. What kind of change in the salary does
4 this mean to him?

5 A. Well, no change in the salary, but a
6 change in the figures I will use to determine the pay. If
7 he has 43 trips and the others have 45, well, he will be
8 behind and he will not have regularly piloted during the
9 fortnight, but I don't use this particular figure to
10 determine the number of turns in that particular day.

11 Q. Do you have a cancellation charge in
12 Quebec?

13 A. Yes, \$10.00.

14 THE CHAIRMAN: Where does this charge go?

15 THE WITNESS: It is paid pilots at the same
16 time of the detentions and movages.

17 THE CHAIRMAN: It is shown on the document,
18 on the statement of account or voucher which was filed this
19 morning as Exhibit 684, so it will appear on Exhibit 684
20 as a movage?

21 A. No, it is shown as a detention.

22 THE CHAIRMAN: So the cancellation is included
23 in the detention?

24 A. Yes, but it is a fairly minor sum.

25 Q. The number of cancellations is fairly
26 limited. I refer you now to Article 30 in the Act of
27 Association of St. Lawrence Pilots. The last paragraph
28 says the travel expenditures of a delegate to represent
29 the Association will be \$30.00 a day plus transportation
30 expenses. If the delegates will have extra expenses he



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2 will have to submit a detailed account of his expenditures.

3 Has this been justified since the Corporation has been
4 established?

5 A. No, I don't think there has been any
6 account for expenditures above \$30.00 a day, but I think
7 the article has been modified by by-law 17, Article 17 of
8 General By-law 1 of the Corporation of Lower St. Lawrence
9 Pilots. It is sub-paragraph (b).

10 Q. You have explained that the Federation
11 granted some turns to its Director; is that correct?

12 A. Well, granted only to the President,
13 not to the Directors, only the President.

14 Q. Is there any rule which prevents the
15 Federation for a specific month from granting a certain
16 number of turns, and the Corporation does grant a certain
17 number of turns?

18 A. Well, this is based on the work of the
19 administrators.

20 Q. Well, if the President of the Federation
21 is also President of the Corporation or a Director of the
22 Corporation he might be granted some turns by the Federa-
23 tion?

24 A. Yes.

25 Q. And also by the Corporation?

26 A. Yes.

27 Q. Has this already happened?

28 A. No, I know no case at all. I mean,
29 you refer only to the present period.

30 THE CHAIRMAN: Is there any system which



1 FRENCH

2 prevents duplication of allocation of turns for the same
3 work?

4 A. Well, he is credited half a turn for
5 each day so he can't ask for more than that.

6 THE CHAIRMAN: When it is work for the
7 Federation it is only the Federation which can grant it?

8 A. Yes.

9 Q. When it is a meeting of the Corporation
10 it will not be -- Corporation will grant it and no
11 authority to grant turns for attendances remains with the
12 Federation?

13 A. The Corporation will grant turns for
14 the meeting of the Federation to the President and the
15 Administrators at the Federation who are members of the
16 Corporation.

17 THE CHAIRMAN: Well then, turns are granted
18 by the Corporation and not by the Federation.

19 THE WITNESS: Well, they are granted by the
20 Corporation.

21 MR. JACQUES: Q. The turns of the Federation
22 you referred this morning to the President of the Federa-
23 tion -- they do exist?

24 A. Yes.

25 Q. Well then, there are two bodies which
26 can grant some turns, the Federation and the Corporation
27 and if I understand correctly the Federation grants turns
28 only to the President?

29 A. Yes, I think it happened once only I
30 remember.



1 FRENCH

2 MR. LALONDE: Your Lordship, I have no objection
3 to the legal adviser asking questions on the Corporation
4 itself, but the witness is not the Secretary-Treasurer of
5 the Federation and therefore cannot give the interpretation
6 of the regulations. There is the danger of being mis-
7 understood here.

8 THE CHAIRMAN: Well the questions he could
9 answer here as Secretary-Treasurer, he knew of cases where
10 the Federation demanded that he should grant turns to
11 certain of the members.

12 MR. JACQUES: Well, the Confederation as far
13 as he knew had granted turns to its President only?

14 A. This would happen in one case, if I
15 remember correctly, one member of the Corporation who
16 worked exclusively for the Federation who granted half a
17 turn and was paid in fact on his half turn.

18 Q. When the turns are granted either by
19 the Federation or by the Corporation are you told that
20 Mr. So and So is entitled to half a turn for this particu-
21 lar day of the month or are you told at the end, are you
22 told at the end of the month that Mr. X is entitled to
23 five half turns?

24 A. We keep a record of half turns when
25 they are granted.

26 Q. So this isn't at the end of the year,
27 but it is done every day?

28 A. Well, it is done when these turns are
29 granted, they are immediately sent, notified to the D.O.T.

30 THE CHAIRMAN: You are the one who sends the



1 FRENCH

2 letter to the D.O.T.

3 THE CHAIRMAN: Otherwise the pilot in question
4 would be number one on the assignment list and still not
5 be available?

6 THE WITNESS: That is correct.

7 MR. JACQUES: Q. What document or what infor-
8 mation is provided by the Director of the Corporation to
9 his Board in order to be granted half turns?

10 A. There is no specific document provided
11 to the Corporation, but when there is a meeting of the
12 Board, well the administrators are entitled to half a turn
13 and he has half a turn by the Board of Directors the
14 Secretary gives the full details, full details of the turn
15 granted to each Administrator and the Board approves them.

16 Q. Is it done monthly?

17 A. It is done usually at the Assembly of
18 the Board.

19 Q. Monthly?

20 A. Yes, monthly, roughly monthly.

21 MR. JACQUES: Thank you very much.

22 THE CHAIRMAN: I will ask one question myself.
23 You referred earlier to pilots of Grade C and you referred
24 to their bi-monthly pay. I would like you to refer now
25 to Exhibit 597, in the Annual Reports for the year 1962
26 and one can see at a glance that pilot number 20 is Class
27 C. Number 29, 31 as well as 63 and 60 are Class C pilots.

28 THE WITNESS: 53 and 60, but number 60 is now
29 in Class B, but at that time he was in Class C.

30 THE CHAIRMAN: This can be seen fairly clearly.



1 FRENCH

2 THE WITNESS: Well, number 60 has been promoted
3 to Class B.

4 THE CHAIRMAN: That is why there is the diff-
5 erence?

6 THE WITNESS: That is correct.

7
8 CROSS-EXAMINATION BY MR. BRISSET:

9 Q. Your Lordship, I would like to ask the
10 witness, with your permission, to produce a copy of the
11 minutes of the General Meeting, of the Annual General
12 Meeting of the Association of Pilots for the years 1961,
13 1962 and 1963. We could perhaps give a number to those
14 minutes which would be Exhibit 687.

15
16 ---EXHIBIT 687: Copy of minutes of the Annual General
17 Meeting of the Association of Pilots for
18 the years 1961, 1962 and 1963.

19 Q. Mr. Menard, I understand that you have
20 with you detailed statements of expenditures amounting to
21 the \$1,674.00 we were referring to this morning. Can you
22 produce this breakdown. I think it has been filed under
23 Exhibit number 685. Mr. Menard, on this statement I find
24 an item dated the 22nd of April, telegrams, folio 117,
25 that amount to \$786.11. I would like you to tell me if you
26 can do it, if this includes the cost of radiograms sent
27 to ships coming to Les Escoumains during the work suspension
28 of April, 1962?

29 A. Well, there is special ~~mention of this,~~
30 which was cables to the vessels weren't included in the



1 FRENCH

2 amount of seven hundred and some odd dollars -- it was
3 included in the \$780.00 but was reimbursed by the Federa-
4 tion.

5 MR. LALONDE: With your permission, your
6 Lordship, would it be possible to produce a photostat of
7 this document, that is the document of the Corporation?

8 THE CHAIRMAN: It will be certified.

9 MR. JACQUES: Q. Mr. Menard, on Exhibit 685
10 there are several names. Are these people in this pilots?

11 A. Well, my name appears on the list.

12 Q. Yes.

13 A. So that they are not active pilots.

14 When the name of the active pilots appear on this list,
15 they are apart, correct.

16 Q. Apart from this and your name are
17 there any other names, in other words, except for your
18 name all the other names are names of active pilots; isn't
19 that the case?

20 A. Yes. There is another name which
21 corresponds to a certain expenditure.

22 Q. Are all the pilots whose names appear
23 on Exhibit 685, were they in April, were the Administrators
24 of the Corporation, Directors of the Corporation?

25 A. No, they weren't Administrators.

26 Q. Could you indicate by a red mark, pencil
27 mark against the name of the pilots who weren't members of
28 the Board of Directors. How many names of pilots are
29 there on Exhibit 685?

30 A. Fourteen.



1 FRENCH

2 Q. Are these all pilots for the Quebec
3 District?

4 A. Yes.

5 Q. I see you have put 6 red marks, so
6 this means that there are 6 names of people who weren't
7 Directors at that time?

8 A. Yes.

9 Q. In your by-laws are there any provisions
10 to reimburse or to pay any amounts to people who are not
11 Directors?

12 THE CHAIRMAN: Article 20? This has been
13 provided, officers, agents, servants and employees of the
14 Corporation who are not members.

15 MR. LALONDE: Employees who are not members
16 of the Corporation -- it isn't 40 on the list with the 30.
17 It has nothing to do with the first one. It has nothing
18 to do with the two other ones.

19 MR. JACQUES: Q. The red marks on the right
20 -- would the names all be members of Committees of the
21 Corporation?

22 A. A few of them, yes, sir.

23 Q. Could you check?

24 A. Certainly.

25 Q. Could you place now a blue mark next
26 to those who are members of Committees? Two names.
27 Thank you.

28
29 RE-EXAMINATION BY MR. LALONDE:

30 Q. Mr. Menard, could you please take the



1 FRENCH

2 financial statement for the fiscal years 1958 and 1959
3 which are part and parcel of Exhibit 597 and complete the
4 list of the average number of turns that my colleague,
5 Mr. Brisset, was asking for this morning? I think you
6 have given an average of turns for the years 1960, 1961
7 and 1962?

8 A. In 1958 the average shown is 87. In
9 1959 the average is 101.

10 THE CHAIRMAN: I note in your average you
11 never have half turns. You start on one side or the other.

12 THE WITNESS: Yes.

13 MR. LALONDE: Q. One another point, you were
14 asked this morning what in 1962 was distributed of the amount
15 of \$750.00 which was still to be distributed and you
16 answered that it was done in two payments following the
17 month of January?

18 A. Yes.

19 Q. At the time of preparation of the
20 financial statement did you have on hand the necessary
21 money in order to pay this \$750.00?

22 A. No, it was accounts receivable.

23 Q. You had established the amount of
24 \$750.00 on the basis of accounts receivable within a short
25 period of time?

26 A. Yes.

27 Q. The Directors of the Association of
28 Licenced Pilots for the Quebec Harbour and Below, were
29 they up until now the same as for the Corporation of Lower
30 St. Lawrence Pilots?



1 FRENCH

2 A. Yes.

3 Q. Are you aware of the document signed
4 by more than two-thirds of the members of the Association
5 to the effect that the elections, in particular the
6 elections of the Corporation of Lower St. Lawrence Pilots
7 were automatically the elections for the Association of
8 Licenced Pilots for the Quebec Harbour and Below?

9 A. Yes, this is correct.

10 Q. Are you aware that this document was
11 signed by more than two-thirds of the members?

12 A. Yes, perfectly well.

13 Q. Are you aware that amendments to the
14 Act of the Association is in force that more than two-thirds
15 of the members have signed in favour of such amendment?

16 A. Yes.

17 Q. When you establish or make distribution
18 at the end of the year do you take into account in any
19 way whatsoever the days of absence or are all your
20 calculations of making distribution accomplished upon the
21 basis of work performed, that is effective number of
22 pilots?

23 A. The money distributed is based upon
24 the number of pilots.

25 MR. LALONDE: Thank you, Mr. Menard.

26 The witness will file the document asked for,
27 that is the financial statements showing expenses, the
28 General Meetings of the Association and the administration
29 cost of the pension fund and so forth as soon as they are
30 ready, perhaps tomorrow morning.



1 FRENCH

2 THE CHAIRMAN: One second. In the financial
3 report of the fiscal years 1961 and 1962, Exhibit 597, in
4 Schedule C, I see that the distribution starts only on
5 May 5th, 1962 or May 5th, 1961?

6 A. Yes, that is correct.

7 Q. So you have nothing for the months of
8 January, February, March and April?

9 A. The only distributions there are in
10 January are the amounts due the preceding year, for the
11 preceding year.

12 Q. This is based, of course, upon Clause
13 9(a) By-law number 2?

14 A. Yes, that is Article 9.

15 THE CHAIRMAN: Now, the moneys that may have
16 been collected for winter trips up to now, there hasn't
17 been any distribution of the money before May 5th?

18 A. No. It has been done only starting at
19 May 5th.

20 Q. So the Administrators as yet haven't
21 used their power in accordance with sub-paragraph (b) of
22 the same section?

23 A. No.

24 ENGLISH

25 CROSS-EXAMINATION BY MR. MASON:

26 Q. When you receive a bill from the
27 Federation for a supplementary assessment do you receive
28 with that bill an itemized statement of any kind indicating
29 how that supplementary payment is arrived at?

30



1 FRENCH

2 A. No, but this assessment is arrived at
3 by a meeting of the Federation and all members, the
4 members of the Corporation are members of the Board of
5 Directors of the Federation. They are member delegates.

6 MR. LALONDE: Do you wish to adjourn now, my

7

8
9 ---short recess

10 ---Following short recess.

11
12 CAPTAIN MICHEL DUSSAULT, Recalled

13 RE-DIRECT EXAMINATION BY MR. LALONDE:

14 Q. Captain Dussault I think that in
15 your evidence, your previous evidence, you have stated that
16 you had worked on board certain ships during your
17 apprenticeship?

18 A. That is correct.

19 Q. What type of ships were they?

20 A. I worked as an officer and mate, first
21 mate, second mate and first mate on different ships,
22 ocean going vessels and also, as I mentioned, on different
23 ships as Captain. Different ships on the coast, in the
24 West Indies, Hudson Bay also as a sailing master on many
25 Canadian and foreign ships sir.

26 Q. When you worked as a sailing master
27 on those ships, in what region were you working?

28 A. What would be called the lower part of
29 the St. Lawrence into Quebec eastward, but towards the
30 Harbours, either on the river itself or in the gulf.



1 FRENCH

2 Q. The ships on board which you were a
3 sailing master, were they vessels exempted from the
4 compulsory payment of pilotage dues in the Quebec District?

5 A. Certain of these vessels were exempted.
6 Others were not exempted. Those who were not exempted from
7 the pilotage dues, in all those cases they were foreign
8 vessels. I was doing this work as sailing master only
9 from Father Point towards the east.

10 Q. And what happened between Father Point
11 and Quebec?

12 A. A licenced pilot of the District was
13 going on board as is the custom.

14 Q. So I understand that in all those cases
15 you were not hired as a licenced pilot in the district?

16 A. That is correct.

17 Q. What is a sailing master?

18 A. A sailing master is a bit of -- well
19 neither a Captain nor a pilot or a mate. It's a bit of
20 a mixture of the three with the status which is not too
21 well defined. It would perhaps be between first mate and
22 Captain. Half way between first mate and Captain.

23 Q. Now I would like to ask you a few
24 questions concerning the vessels exempted from the payment
25 of pilotage dues and which did not take any pilot in this
26 district on board these vessels and within the boundaries
27 of the district. What were mainly your duties?

28 A. Well the pilotage of the ship.

29 Q. Did you stay on board a given ship for
30 many trips or, did you change or if you stayed on board



1 FRENCH

2 the ship simply during the course of ~~the~~ trip?

3 A. Well I stayed on board the ship simply
4 for one given trip. That is, for example, if the ship was
5 going to Godbout or Baie Comeau or Seven Islands or any
6 other harbour on the St. Lawrence, most of the time I
7 was hired by the trip both ways and only the one way, if
8 the ship was going to sea afterwards.

9 Q. And where did you go on board the ship?

10 A. In most cases in Quebec.

11 Q. What happened when you went on board
12 the ship? Were you put on the Articles of that ship?

13 A. Yes, and I was assigned as a sailing
14 master in most cases and due to the fact I was becoming a
15 regular member, mate of the ship, in most cases for
16 foreign ships, at the east of Father Point and oftentimes
17 I did not have to sign that Article but most Canadian
18 vessels or Commonwealth vessels I was always on board as
19 a regular officer of the vessel.

20 Q. You said generally speaking as a
21 sailing master. Were you inserted in this Article under
22 another title at times?

23 A. Not that I can remember.

24 Q. And you say that insofar as foreign
25 ships were concerned which ceased to have a pilot on board
26 starting at Father Point but oftentimes you were not even
27 on the Articles?

28 A. Yes. This happened at times on board
29 foreign vessels.

30 Q. Is there a particular reason why you



1 FRENCH

2 were put on the articles?

3 A. Well I was a type of coasting pilot I
4 think as it existed in other countries.

5 Q. Was there any particular reason why a
6 Canadian vessel was putting you on the articles starting
7 from Quebec?

8 A. Yes, probably in order to be legal
9 because the Shipping Act gives to these ships the right to
10 do their own pilotage, giving the pilotage to one of the
11 mates of the ship. They were within the boundaries of
12 the law so before committing myself in that way, I always
13 tried to get information and did obtain permission of the
14 Supervisor of Pilotage in Quebec because I was an appren-
15 tice pilot at that time.

16 Q. You were on the Articles of that ship
17 I think for the one way trip or both ways according to
18 the different cases?

19 A. That is correct.

20 Q. So if it was both ways, I understand
21 you were disembarking at Quebec coming back?

22 A. Yes.

23 Q. And there you could go on board another
24 ship the next time?

25 A. Yes.

26 Q. Thank you.

27
28 ENGLISH

29 CROSS-EXAMINATION BY MR. MASON:

30 Q. Captain Dussault during what year would



1 ENGLISH

2 you have undertaken these voyages?

3 A. I was employed mostly for two or three
4 seasons, two or three years. They would be I would say
5 1955, 1956 and 1957. Thereabouts or maybe a year dis-
6 crepancy, year before or after -- not after, I am sure.
7 I was a licenced pilot in 1958 for the whole season. Most
8 of 1955, 1956 and 1957. Just about it.

9 Q. Were you at this time in the employ
10 of one particular shipping company?

11 A. Not necessarily. On foreign vessels
12 there I worked for many ships, for various agents who
13 contacted me by either telegram or through telephone calls
14 from the Head Office in Montreal. As a matter of fact,
15 even sometimes from as far as New York. Other times some
16 of the trips were even coming to me by special pilots
17 then that used the company. The company would enquire of
18 them could you suggest a man to take our ship down across
19 Baie Comeau and down to Seven Islands or something like
20 this, and I was more or less suggested by some other
21 pilots who were special pilots at that time and leave
22 them at Father Point in the case of local vessels. When
23 I say "local --" I mean local Canadian ships. They were
24 mostly the Canada Steamship Line vessels.

25 Q. Would these Canada Steamship Line
26 vessels be vessels trading exclusively say in the river
27 east of Montreal?

28 A. No sir. They were mostly -- as a
29 matter of fact I would say that more than 50% of those
30 ships were in the pulp trade between ~~Quebec~~ and Ports



1 ENGLISH

2 as such on the Lower St. Lawrence out to Thorold and
3 ports on the lake.

4 Q. Thank you.

5 COMMISSIONER SMITH: Captain Dussault would
6 those sailing masters be the same type of navigator that
7 they have now on the lakes where they substitute the
8 sailing master for the pilot?

9 THE WITNESS: Very much so, yes. Very much
10 so, like I said, even to sort of advise the Captain and
11 even you may keep watch on the -- there is nothing really
12 definite about your functions. Of course, you are piloting
13 a ship, conning a vessel and taking her into small ports
14 that are not well known to the master, or not familiar --
15 with which the master was not very familiar with the docks
16 and the berths and everything else.

17
18 CROSS-EXAMINATION BY MR. BRISSET:

19 Q. Captain Dussault when you were going
20 through the open stretches of water, I suppose that you
21 would not be actually conning the vessels. You would
22 likely be used going into ports or when there was some
23 tricky passage to negotiate?

24 A. That is correct.

25
26 RE-DIRECT EXAMINATION BY MR. LALONDE:

27 Q. Captain Dussault are you aware of the
28 system which at the present time exists on the Great Lakes
29 as to navigation?

30 A. Well I am aware to this extent that



1 ENGLISH

2 I know you must use pilots in restricted waters, either
3 Canadian or American, licenced pilots and that vessels
4 which do not have on board one of their own officers
5 qualified with what they call a B licence must employ
6 some sort of a sailing master. I believe this is just
7 about the way it works now.

8 Q. If I were to tell you that the people
9 employed, unless you have a B licence, and I leave out
10 the lake ships, foreign ships have to employ some register-
11 ed pilots, would you tend to agree or disagree with that
12 or would you say that you are not sure?

13 A. I am not sure. I am not familiar with
14 the very latest arrangements.

15 Q. To your knowledge were there other
16 sailing masters working in Quebec District at that time?

17 A. Yes, there were.

18 Q. And were they working on exempted ships?

19 A. All I know is many people did coasting
20 jobs either in or out of the district. I couldn't tell
21 you exactly where they boarded the ship and went off. I
22 wasn't the only one doing it.

23 Q. Would you know whether these people,
24 and yourself, were at the time coming under any sort of
25 jurisdiction or control or administration, apart from your
26 own duties as an apprentice, obviously? As a sailing master
27 were you responsible to any official body?

28 A. No. Nobody except, of course, the
29 Department of Transport and the Canada Shipping Act, which,
30 of course, is always the authority.



1 ENGLISH

2 Q. But you were, I suppose, then as a
3 member of the crew, an officer of the crew?

4 A. That is correct. In the case of the
5 ships that I was signed on; even on the others, I was just
6 the personal employee of the master. I was a personal
7 servant of the ship master.

8 THE CHAIRMAN: Do you know, from your own
9 knowledge, whether this work is still being carried out
10 with regard to outside of your district here?

11 THE WITNESS: The lower St. Lawrence?

12 THE CHAIRMAN: The gulf.

13 THE WITNESS: As a sailing master, I don't
14 believe so sir. I mean the establishment of the Harbour
15 Pilots of the various commercial ports now in the last
16 few years sort of eliminated -- you must remember that
17 there were no pilots in Baie Comeau, Seven Islands or other
18 places in those days and that we did all that. I mean
19 there was no licenced pilots, organized pilots as it is
20 now. These ports were the bulk of our work and also the
21 intermediate ports inbetween. There still might be one
22 or two men who are doing it occasionally. I haven't heard
23 of any.

24

25 CROSS-EXAMINATION BY MR. JACQUES:

26 Q. I gather that some years ago some of
27 the regular licence pilots of the district did some pilot-
28 ing outside the district, taking ships, for instance,
29 from Father Point to Baie Comeau or Seven Islands?

30 A. Oh frequently. As a matter of fact



1 ENGLISH

2 they were more or less just competitors.

3 Q. Of yours?

4 A. That is right, yes. Frequently. As
5 I mentioned, a lot of my jobs were given to me by other
6 pilots who did not wish to go out but many licenced pilots
7 also went out with ships all the way down the river, of
8 course.

9 Q. Those pilots who took ships out of their
10 district, or who gave you jobs to take out of the district,
11 are you able to tell whether they were special pilots or
12 tour de role pilots?

13 A. No. You see the pilots that did such
14 work were maybe not all, but in the large majority of
15 cases special pilots, and the great majority of them took
16 their own company ships.

17 Q. Do you know whether this practice for
18 pilots of the district to take ships out of the district
19 is still in use?

20 A. No. As a matter of fact, if my recollec-
21 tion is fairly accurate, our pilot -- when I say ours,
22 at the Pilotage Authority's demand, this was forbidden by
23 Ottawa and the Authority around 1960, by our men and the
24 Ottawa Authority itself.

25 THE CHAIRMAN: Just for reference purposes,
26 we met a similar situation on the east coast of Newfound-
27 land where St. John pilots are piloting all the coast and
28 sometimes have the ships piloted by former pilots not
29 holding a licence any more because they are too old or
30 something.



1 ENGLISH

2 MR. LALONDE: My Lord, for the purpose of
3 explanation at this time, I am informed that on the
4 Great Lakes there is no such thing any longer as a sailing
5 master. They have now what are called a B licence for
6 masters of ships who make a certain number of -- foreign
7 going ships who make a certain number of trips on the
8 lakes outside what we call restricted waters where pilotage
9 is compulsory and unless you have a B licence, then you
10 have to employ the services of a registered pilot and
11 there are no people now who serve as sailing masters, I am
12 informed.

13 MR. BRISSET: If I may make a correction in my
14 learned friend's statement, it's not only foreign going
15 ships, but all ships that do not fly the Canadian or
16 American flags that are subject to this rule.

17 MR. LALONDE: If I may make another correction,
18 all Canadian and American Lake ships.

19 MR. BRISSET: Yes.

20 THE CHAIRMAN: What about Toronto and Hamilton
21 ports?

22 MR. LALONDE: Are they on the Great Lakes?

23 THE CHAIRMAN: We will discuss that when we
24 are there.

25
26 FRENCH

27 Gaston Rousseau please?

28
29 RE-DIRECT EXAMINATION BY MR. LALONDE:

30 Q. Captain Rousseau I think that towards



1 FRENCH

2 the end of your examination yesterday I asked you a few
3 questions regarding the possibility of members of your
4 Corporation or Association asking about activities of your
5 organization and in particular you stated that in some
6 cases certain members had attended meetings of the Board.

7 I also asked you questions relating to certain
8 bulletins, in order to find out if your members were kept
9 informed through the Bulletins and you answered that you
10 would send about 15 bulletins each year to your members.

11 Now I am showing you here a series of documents
12 which date back to April 1st 1960, so it seems, or rather
13 the 24th of March 1960 to September 6 1963. Would you be
14 in a position to tell me if this bundle of documents con-
15 stitutes what you called yesterday bulletins that you would
16 send to your members?

17 A. Yes, that is correct. We always try
18 to keep all the members informed about all the different
19 activities which may occur in the course of a season.
20 Aside from that, I should add that the different briefs
21 which have been published concerning pilotage, well,
22 copies of these briefs have been made and sent to all
23 members, with the exception of the public brief which we
24 did not take time as yet to send to members.

25 Q. Is it your intention to send Mr. Koenig's
26 brief to the members?

27 A. As we have never omitted to send any-
28 thing to the members, well I already asked the question of
29 the Board and the Board suggested that this brief should
30 be sent also.



1 FRENCH

2 MR. LALONDE: My Lord, I should like to file
3 this bundle of documents as Exhibit 688.

4
5 ---EXHIBIT NO. 688: Bundle of documents.

6
7 MR. LALONDE: I am told that a few bulletins
8 may be missed in that series, but those bulletins which
9 are missing have already been filed by other witnesses,
10 either Mr. Koenig or Mr. Barras, but with the other
11 documents this would constitute a complete series.

12 Q. I note Mr. Rousseau that in accordance
13 with what you have just told us, this series of bulletins
14 includes a certain number of briefs having to do with
15 pilotage. I find one in particular, the first one starting
16 in 1960 to which you have attached a letter dated May 10th
17 1960 entitled "St. Lawrence River Pilots: A review of the
18 situation by the Shipping Federation of Canada." Did you
19 send the full brief of the Shipping Federation at that time
20 to all your members?

21 A. Yes. This brief was submitted as a
22 pamphlet and we sent it as such, to the members.

23 Q. Have you received a request from the
24 Shipping Federation to that effect, to send it to the
25 members?

26 A. Oh no. Certainly not. I received it
27 from Montreal -- I got it somewhere in Montreal. It was
28 not sent to me. I am sure of that.

29

30



1 FRENCH

2 Q. I also find that in 1961, 14th April
3 you sent another letter to the members with a copy of
4 a submission of the Dominion Marine Association to the
5 Honourable Leon Balcer, Minister of Transport of Canada
6 on the matter of the Shipping Act, Section 346 and 347.
7 Have you sent to each of your members a copy of this brief?

8 A. Well, this brief, if I remember
9 correctly was received by us very late in the autumn and
10 I spoke about it at the Board of Directors and, perhaps,
11 also to the members in the General Assembly, and I sent
12 them the brief.

13 Q. Did you receive a request from the
14 Dominion of Marine Association to the effect that this
15 document should be sent your members?

16 A. No, and I didn't receive the brief
17 either from the Dominion Marine Association.

18 Q. Well, I find on June 9th, '61, you
19 sent another letter to your members to which was attached
20 a brief entitled Submission of the Shipping Federation of
21 Canada to the Honourable Leon Balcer, Minister of
22 Transport, Ottawa, of 14th December, 60. Did your
23 Board of Directors decide on its own to circulate this
24 document among its members?

25 A. Well, this brief -- I certainly spoke
26 about it at the General Assembly of the members and we
27 must have -- I must have decided that as soon as we would
28 have time we would send copies to everyone.

29 Q. Here again did the Shipping Federation
30 ask you to circulate copies?



1 FRENCH

2 A. No, we hadn't been requested.

3 Q. Did you receive any subsidy from the
4 Dominion Marine or Shipping Federation for this free
5 publicity, advertising?

6 A. No, unfortunately not.

7 Q. Did you produce a reply to the briefs
8 of the Dominion Marine and the Shipping Federation in
9 1960, in February 1960 or did the Federation of St.
10 Lawrence Pilots publish something?

11 A. Yes, the Federation of St. Lawrence
12 Pilots certainly replied to this brief. I am certain of
13 that.

14 Q. Would you be aware of whether the
15 Shipping Federation sent copies of this brief to its members?

16 A. I don't know, but I know that as
17 members of the Federation we sent it to the Shipping
18 Federation, as I remember correctly, there were five copies
19 sent to the Shipping Federation.

20 Q. As far as you know were there any other
21 briefs since 1960 which were submitted to the Pilotage
22 Authority by the Shipping Association concerning pilotage
23 in St. Lawrence?

24 A. I don't think so, since 1960, there
25 were three briefs, two of the Shipping Federation and one
26 of the Dominion Marine Association.

27 Q. Well, in any event we have all the briefs
28 which were called to your attention, which came to your
29 attention on the part of the ship owners?

30 A. I think so. I think it was enough.



1 FRENCH

2 Q. Well, in each case you have got copies
3 provided for your own members?

4 A. That is right.

5 Q. Captain Rousseau, you have been a
6 special pilot yourself during a certain number of years?

7 A. Yes.

8 Q. Have you had anything to do with the
9 abolition of the regime of special pilots in St. Lawrence?

10 A. Yes, first I have signed with several
11 of my colleagues a request to the effect that it would be
12 preferable for us to abolish the special pilots.

13 Q. Why were you against the regime of the
14 special pilots while you were one yourself, one of them?
15 Isn't it true that special pilots have a higher income
16 than the ordinary or turn pilots when you were a special
17 pilot?

18 A. To say that there was higher income,
19 it is difficult to say so, because there were certainly
20 more expenditures to face when a pilot was attached to a
21 company. There was, of course, a higher salary.

22 Q. Well then, why did you endeavour to get
23 abolished this regime of special pilots?

24 A. Well, I sincerely believed that this
25 regime wasn't necessarily good and in the interests of my
26 colleagues in the organization, and even the companies,
27 I would say.

28 Q. Why was this regime harmful to the
29 companies?

30 A. Well, this regime was not good for the



1 FRENCH

2 companies because one of my colleagues said here a few
3 days ago the choice or selection of special pilots wasn't
4 done according to the competence or seniority, but was
5 done as this colleague has said, and I will repeat it now,
6 was done between the friends, so that in many instances
7 there were special pilots who should not have been special
8 pilots. On the other hand there were a good number of
9 those special pilots who were good people, myself excluded.

10 Q. To what extent was this regime of
11 special pilots harmful to pilotage?

12 A. It is my opinion that this system used
13 to divide the group of pilots because part of the pilots
14 were attached or bound to companies and second to the
15 Pilotage Authority and thirdly to the Association, there-
16 fore, these people didn't have two bosses, but three
17 bosses.

18 Q. Do you claim or state that the Pilots'
19 Association are masters or bosses of pilots?

20 A. Well, they are not masters or bosses
21 of pilots, but if somebody belongs to an Association he
22 is proud of his group and he takes care of his own group.

23 Q. Well, if I understand correctly then
24 you refer to the master or boss which would be the Pilotage
25 Authority?

26 A. Well, that is correct.

27 Q. You state that the special pilots were
28 also responsible to the shipping companies?

29 A. Well, there was responsibility to them,
30 yes, in a way, but I must add here that these special



1 FRENCH

2 pilots have had a hand in the organization. One of them
3 was a Director in those days, and I cannot say that these
4 people didn't carry out their duty, but it created a
5 certain disturbance or uneasiness in the group.

6 Q. Were some of the special pilots called
7 upon to serve a considerable number of trips for their
8 company consecutively without sufficient rest, for
9 instance?

10 A. Yes.

11 Q. If you take a special pilot with a
12 busy line?

13 A. Yes, it is agreed, and the dispatching
14 was very difficult to arrange because it didn't go by
15 assignment lists. They were taking, boarding a ship
16 where the ship was and if there was a vessel in Montreal
17 a dispatcher would have a difficult task to perform because
18 he didn't know whether the pilots should wait for a ship,
19 for a ship in the other harbour.

20 Q. Would this create a disturbance in the
21 turn of the usual pilot?

22 A. Yes, certainly. In many instances we
23 were in Father Point in those days, and the officer in
24 charge there was asking ordinary pilots and you were meeting
25 crossing some special pilots who were going up to Quebec
26 because they had no vessel to pilot. I would say with the
27 new system, and I am speaking for most every pilot who
28 gets his licence now, may hope to become a Grade A pilot,
29 and in those days it wasn't possible.

30 Q. Were you active in the transfer of the



1 FRENCH

2 pilotage station from Father Point to Escoumaines?

3 A. Yes.

4 Q. Do you know -- I am sorry, I am

5 changing the subject. During the cross-examination of Mr. Koer

6 there was an Exhibit which was an excerpt from the

7 minutes of the General Annual Assembly of the Association

8 held on the 13th of January, 1960 and according to which

9 34 members had voted for the north and 28 for the south and

10 one for Father Point as regards to location of the station.

11 Can you say, is this the General Assembly of January 16th,

12 that was the one where you were elected Director?

13 A. Yes, that is right.

14 Q. This was Exhibit 598?

15 THE CHAIRMAN: A letter of the 12th of

16 February.

17 MR. LALONDE: I am sorry, it is 698.

18 THE CHAIRMAN: 598 is the letter to the

19 Minister informing him he was dissident.

20 MR. LALONDE: Q What measure did you take

21 after the adoption of this resolution by the General

22 Assembly concerning the transfer of the station after

23 January 30th, 1960?

24 A. To give you some historical background

25 on this during a few years we were still in Fathers Point

26 there was request after request to try to get a decision

27 on the new Pilot station. In 1959 during the opening of

28 the Seaway, if I remember we in Quebec -- in Quebec we

29 had been heavily taxed by the increase of traffic that

30 year. We had still a system of special pilots which



1 FRENCH

2 demanded both the regular and special pilots to do overtime
3 work, and an enormous amount of overtime work to the point
4 where we lost that year three of our members suddenly.
5 They died suddenly, one aboard a vessel, the other one
6 when getting off a vessel and a third one, I think it was
7 the consequence of overwork. Furthermore I think if we
8 look into the records we can see six or seven of them who
9 were ill, fairly seriously after this overwork period in
10 the year 1959.

11 I remember that we received from the under
12 Secretary of Transport, Mr. Baldwin a letter congratulating
13 us for this good work, good job. Knowing that the traffic
14 wouldn't decrease, certainly not decrease and knowing also
15 that the officers from the D.O.T. wouldn't find any reason
16 to increase our number we had to decide very quickly on
17 the choice of the new station. At the General Assembly
18 the majority of the members had favoured the north coast.
19 We communicated with the D.O.T. in Ottawa to ask them for
20 their co-operation in order to come to some action and get
21 this transfer done.

22 We met in this respect, the Minister, Mr. Hees,
23 and after many discussions and studies Mr. Hees decided to
24 be just towards everyone to establish a Committee which
25 would study this question completely, and before I forget,
26 I must mention that I believe the Shipping Federation
27 agreed with us at this point. So this Committee was
28 established. There were three representatives of Public
29 Works, two representatives of the D.O.T. and two pilots
30 whom we selected within the Board of Directors. If I



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2 remember correctly there was one member of our organization
3 who suggested by letter one be appointed outside the Board
4 of Directors. We wrote him to suggest that since he was
5 making the suggestion to please come and attend this
6 Committee, that we were going to submit or nominate him
7 so he could attend this Committee. In any event the
8 Committee met and visited the various sites, Escoumaine,
9 Trois Pistoles -- I don't know whether they went to St.
10 Simon. It was in the spring and I don't know if there
11 was a road to get there, but they made a complete sur-
12 vey and they were unanimous in selecting Anse aux Basques
13 which the members of the Commission have kindly visited
14 this spring.

15 Q. Did you receive a report from your
16 representatives or pilots on this Committee?

17 A. Yes, we received a report which we
18 sent to Ottawa.

19 Q. Well, I am showing you now a report of
20 the second, June, 1960, Quebec, entitled Lower St.
21 Lawrence Pilotage Station. Can you tell me if that is
22 a copy of the report which was submitted by your rep-
23 resentative from this Committee?

24 A. Yes, this is correct. Yes.

25 Q. I would like to file this report as
26 Exhibit 689.

27
28 ---EXHIBIT NO. 689: Report re Lower St. Lawrence Pilotage
29 Station.

30 A. Later we received a letter from the



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2 Minister of Transport informing us that the installation
3 at Anse aux Basques would be necessarily made. It will
4 be eventually made and we would be operating at Anse aux
5 Basques in the spring of 1962. Since that time we have
6 taken several steps to know when we could be definitely be
7 operating from Anse aux Basques. This is 1963. We have
8 taken some steps to try and move the station, but unfortun-
9 ately we are still in the old office, which I think is an
10 old house, more than 100 years old, and we don't think
11 this is an efficient way of operating.

12 Q. Don't you think this would have historical
13 interest?

14 THE CHAIRMAN: You were the victims of the
15 austerity programme?

16 THE WITNESS: This I must admit, your lordship.

17 MR. LALONDE: Q. I show you a letter
18 addressed to Captaon Gaston Rousseau and signed George
19 Hees. Is this the letter you refer to?

20 A. Yes, it is.

21 Q. I note that in this letter it doesn't
22 refer to a deadline of the spring of 1962 which you
23 mentioned. Is this a deadline which was mentioned to
24 you orally?

25 A. Well, I don't know. I don't believe
26 so. I would have to go back to the office tonight and
27 check in the correspondence and try to find something.

28 Q. Perhaps we should mention this last
29 paragraph of the letter which reads as follows: I have
30 pleasure to inform you I have accepted the recommendation



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2 of the Committee and that accordingly the Ministry of
3 Public Works have been notified to prepare surveys and
4 preliminary plans for the construction of a station at
5 Anse aux Basques with the intent to proceed with the work
6 at all speed, so that the station can be installed at its
7 permanent location within the shortest time available.
8 That is the 16th of August 1960. That will be Exhibit
9 690.

10
11 ---EXHIBIT NO. 690: Letter from the Honourable George
12 Hees to Captain Gaston Rousseau dated
13 August 16th, 1960.

14 THE CHAIRMAN: We will now adjourn till to-
15 morrow morning at 10:00 a.m.

16
17 ---Adjournment.
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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

QUEBEC CITY
QUEBEC

VOLUME No.:
67A

DATE:
Sept. 19, 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at the Court House, Quebec City,
Quebec, on the 19th day of
September, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold Q. Renwick, Esq.,	Member
Mr. Gilbert Nadeau	Secretary.

COMMISSION COUNSEL:

Mr. Maurice Jacques, Esq.

PRESENT:

Mr. J. Brisset,	for the Shipping Federation of Canada
Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. C. Mason,	for the Dominion Marine Association
Mr. Marc Lalonde,	for the Federation of St. Lawrence River Pilots; Corporation of the lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; The Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.



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2 ---UPON COMMENCING AT 10:00 A.M.

3
4 DIRECT EXAMINATION BY MR. LALONDE:

5 Q. My Lord, I would like to file photocopy
6 of Exhibit 685 in accordance with your instructions.
7 Moreover, I would like to file two documents, one of which
8 is a resolution of the General Annual Meeting of the
9 Corporation of Lower St. Lawrence Pilots held on January
10 11th and March 29th 1961 -- I am sorry, the first item is
11 a suggestion from the Assembly to open those meetings and
12 a resolution as such which was submitted at the first --
13 at the same meeting. So those two documents could be
14 filed as Exhibit 691.

15
16 ---EXHIBIT NO. 691: Two excerpts of the minutes of the
17 General Annual Meeting of the Corpor-
18 ation of Pilots for the Quebec Harbour
19 and below held on January the 11th
20 1961 and March 29th 1961, and of the
21 General Annual Meeting of the Corpor-
22 ation of Lower St. Lawrence Pilots
23 held on the same date.

24 Q. What happened in this particular case is
25 that there was a suggestion that was made at the meeting
26 of the Corporation of pension fund and a resolution was
27 adopted at the meeting of the Corporation of Lower St.
28 Lawrence Pilots according to which the administration costs
29 of the Corporation of the pension fund were to be paid by
30 the Corporation of Lower St. Lawrence Pilots. I would like,
moreover, to file a photostat copy, certified true copy
of the General Annual Meeting of the Association of



1 FRENCH

2 Licenced Pilots for the Quebec Harbour and Below for the
3 years 1961, 1962 and 1963 as Exhibit 692.

4 THE CHAIRMAN: Filed as a bundle as Exhibit
5 687.

6 Q. So far as the other items which were
7 asked for, Mr. Menard is still preparing them and we are
8 going to have them during today. Before the adjournment,
9 Captain Rousseau, I had partially read a letter from the
10 Minister, the Honourable George Hees regarding the transfer
11 of the pilotage station. I would like to draw your
12 attention to the fact that no precise date was mentioned
13 for the termination of these works. You stated that there
14 was, perhaps, some correspondence which had been sent
15 subsequently on this matter.

16 I would like to show you a letter dated October
17 4th 1961 from Mr. Alan Cumyn addressed to Captain Gaston
18 Rousseau. Do you recall having received that letter and
19 could you please tell us what the contents of that letter
20 were?

21 A. This is a letter which deals with the
22 new station at Anse aux Basques.

23 Q. You remember receiving that letter?

24 A. Yes, very well.

25 Q. I would simply like to quote here for
26 the record perhaps an excerpt only of this letter, and I
27 quote: "The Public Works Department, which is looking
28 after this project, informs us that it foresees that the
29 building of the jetty will be finished in October 1962
30 but our pilotage operations at Anse aux Basques will



1 FRENCH

2 start before that date because the Public Works Department
3 also informs us that it thinks that the building, as such,
4 for pilotage will be ended for the opening of the naviga-
5 tion season."

6
7 ---EXHIBIT NO. 692: Letter dated October 4th 1961 from
8 Mr. Alan Cumyn addressed to Captain
9 Rousseau dealing with the pilotage
10 station at Anse aux Basques.

11 Q. The building which is mentioned in
12 that letter, has it been started?

13 A. No. Nothing has started yet.

14 Q. When a pilotage station was transferred
15 from Father Point to Les Escoumaines, were there any
16 discussions aiming at the amendment of the boundaries of
17 your district?

18 A. Yes. This matter was discussed with
19 the D.O.T. offices here in Quebec. We finally reached
20 an agreement, for example, to the effect that the imagin-
21 ary line should be drawn for the east boundary of our
22 district, that is, from Les Escoumaines wharf to the
23 Trois Pistoles wharf or at the eastern tip of Ile aux
24 Basques.

25 We were told that such a boundary would be
26 indicated in the Canada Shipping Act at the next oppor-
27 tunity.

28 Q. I would like to show you two photocopies
29 of letters dealing with this matter. Could you please
30 tell me if you have read those documents?



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2 A. Yes.

3 Q. I would like to file as Exhibit 692---

4 THE CHAIRMAN: 693 because 692 is Mr. Cumyn's
5 letter.

6
7 ---EXHIBIT NO. 693: Exchange of correspondence between
8 Mr. Alan Cumyn and Captain Gaston
9 Rousseau dated October 3rd and
10 November 9th 1960, dealing with the
11 amendment to article 322 of the Canada
12 Shipping Act.

13 Q. I would like here to read a short
14 excerpt of Mr. Alan Cumyn's letter where it is stated:
15 ".....amendment when the Act next comes before Parliament."
16 And in the answer of November 9th 1960, Captain Rousseau
17 stated, and I quote: "The Quebec Pilots' Committee is in
18 agreement with the following wording to amend the said
19 section." And the letter repeats the text sent by Mr.
20 Cumyn, and the letter ends by the following statement:
21 "Hoping this amendment will be passed when the Act next
22 comes before Parliament."

23 Now would you be in a position to tell me if
24 there were any amendments made to the Canada Shipping Act
25 since 1960?

26 A. Yes, I believe so. I think there was
27 Bill C80, and then C98 and Bill S3.

28 Q. My colleague, Mr. Brisset, had raised
29 a problem of the indemnity to be paid to the pilots
30 brought outside of their district and had mentioned there
was an agreement with the Shipping Federation, between



1 FRENCH

2 the Shipping Federation and the pilots regarding an
3 adjustment ~~in~~ in such indemnity. Were you aware of
4 these discussions?

5 A. Yes, I was aware that there was a letter
6 in our office signed by Captain Matheson of the Federation
7 of ship owners to the effect there had been an agreement
8 with the pilots at that time and that the company -- to
9 the effect that payment of \$25.00 would be given to pilots
10 who were called upon to go outside of their boundaries
11 instead of the \$15.00 as mentioned in the Act.

12 Q. I would like to show you a photocopy of
13 a letter bearing the letterhead of the Shipping Federation
14 of Canada. Is that the document to which you refer?

15 A. Yes.

16 Q. Would you please, at the same time,
17 look at the letter from Captain Henri Allard, Local
18 Supervisor of Pilotage addressed to Mr. Wilfred Menard,
19 Secretary Treasurer of your Corporation on the same
20 subject matter. Have you read that letter as well as the
21 memo which is attached to it?

22 A. Yes, I have read that letter and also
23 I know about the discussions mentioned therein because
24 up until last year there was no problem because all the
25 pilots who were called upon to go outside the district
26 received \$25.00 and suddenly, last year, it was decided
27 to no longer pay that \$25.00 just mentioned, but to give
28 the pilots the \$15.00 which was stipulated in Section 329
29 of the Act.

30 Q. I note that attached to Captain Allard's



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2 letter there is a memo entitled "Copy" and including the
3 name of Captain D.R. Jones on the same subject matter.

4 Is that a document which was sent to you by Captain Allard?

5 A. Yes. It was not sent to us by Captain
6 Allard. This is a copy of a letter signed by Captain Jones.

7 Q. I would like to file, as a bundle, these
8 documents entitled: "Correspondence between the Corporation
9 of Lower St. Lawrence Pilots and the Shipping Federation
10 of Canada, as well as the letter from Captain Henri
11 Allard, local supervisor for Quebec pilots, dated March
12 4th 1958 and April 9th 1962 dealing with the indemnity to
13 be paid to the pilots brought outside of their district.

14 Once more, I would like to draw the attention
15 of the Commission to the last paragraph of the memo sent
16 by Captain Jones which reads as follows: "We realize that
17 the above rate of \$15.00 per day does not reflect prevail-
18 ing standards of remuneration and you may inform the Quebec
19 Pilots Committee that at the next opportunity the Canada
20 Shipping Act is open for amendment consideration will be
21 given to the desirability of recommending an appropriate
22 amendment to Section 359."

23

24 ---EXHIBIT NO. 694: Correspondence between the Corporation
25 of Lower St. Lawrence Pilots and the
26 Shipping Federation as well as Henri
Allard's letter dated etcetera.

27

28 Q. Did your Corporation co-operate with
29 either the Pilotage Authority or the Port Authorities of
30 Quebec in order to improve marine safety within your



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2 district?

3 A. You mean in the Quebec Harbour?

4 Q. In the Quebec Harbour in the first
5 place if you want. Well let's proceed in order. In the
6 first place have you co-operated with the Authorities of
7 the Quebec Harbour to that effect?

8 A. Yes. When the new Director of the
9 Quebec Harbour, Mr. Bousquet was appointed, we asked him
10 to meet with us jointly, the Pilots of Quebec, Three
11 Rivers and ourselves, accompanied by the Local Supervisor,
12 Captain Allard, in order to discuss different problems
13 having to do with the Quebec Harbour and to find out if
14 certain improvements could not be brought about. So we
15 met last year, I think, and then we had correspondence to
16 that effect and this year again we met twice.

17 Q. These meetings, were they started on
18 the initiation of the pilots?

19 A. Yes, jointly with the pilots of Quebec,
20 Three Rivers who came to our own office. In the first
21 place we discussed different problems having to do with
22 the Quebec Harbour and later on we met as well the Harbour
23 Master and the Director of the Harbour in order to discuss
24 these problems.

25 I would like to add here that these people
26 were ready to hear us and they offered their complete
27 co-operation but we did not completely succeed in solving
28 all the problems we have discussed, but we do hope that
29 the situation may improve here in the Quebec Harbour.

30 Q. Did you show any opposition whatsoever



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2 to winter navigation in the Quebec Harbour?

3 A. No. On the contrary, well ever since
4 I have been appointed, I have met people here, the Metro-
5 politan office here in Quebec in order to discuss about
6 the winter navigation and to offer them our complete
7 co-operation in that field and I think we also have
8 correspondence on that matter with the Metropolitan office
9 here in Quebec.

10 Q. To your knowledge were there any
11 occasions on which the pilots have refused to pilot ships
12 during a winter season?

13 A. No, never.

14 Q. Now these meetings which were held
15 with the representatives of the Harbour Authorities, did
16 you ask for certain meetings or were they convened by the
17 Harbour Authority?

18 A. No. We have taken the initiative our-
19 selves.

20 Q. Now insofar as the co-operation with the
21 D.O.T. is concerned, are there certain points upon which
22 you have given special contribution or co-operation to the
23 administration of pilotage within your district?

24 A. In 1960, when we were elected, that is
25 the Board at that time, we finally found out, in the first
26 place, that the dispatching service left much to be
27 desired and then we created a Committee to study the
28 question, and we have contacted the representatives of
29 the D.O.T. here in Quebec to tell them that we were working
30 on these different problems of dispatching, and these



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2 representatives met with us in our office in order to
3 discuss these problems and this is how we finally proceeded
4 to draft the regulations concerning dispatching, the same
5 regulations as exist today.

6 I would like to add, each year at the General
7 Assembly of the members, the meeting held in January, I
8 mention to the members in my President's report the
9 regulations concerning dispatching are created in order
10 to administer our district properly and that they have
11 been prepared in order to facilitate the work of the dis-
12 patching service, the representatives of the D.O.T., as
13 well as for the port, and we ask the members that whenever
14 they have suggestions to make, to send them to us because
15 every year we establish a dispatching committee composed
16 of pilots of Grades A, B, and C, in order, if at all
17 possible, to improve these regulations governing dispatching.

18 Q. Did you have anything to do with the
19 preparation of the pilot source form filed as Exhibit 556?
20 I am showing you a copy of it.

21 A. Yes. When these new pilot source forms
22 were discussed, Captain Gendron, who was the Regional
23 Supervisor in Montreal, came to meet with us at our office
24 in order to discuss this pilot's source form and subsequently,
25 when it was decided to prepare it in that format, we had
26 one General Meeting of the members.

27 We explained the pilot's source form to all
28 the members present. That is, we prepared a copy on a
29 big blackboard and I explained this form in its entirety
30 to all the members attending the meeting, asking them to be



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2 kind enough to fill out that form as we explained it to
3 them. That is, I had been in agreement with the officers
4 of the D.O.T. and ourselves before giving such explanation.

5 Now there was something we have requested at
6 that time, a footnote which was shown on the other form,
7 not this particular one, but the other form of "a penalty
8 to masters" and we asked many times to add that footnote
9 "penalty to masters" and it still had not been done.

10 Q. What was that penalty to masters? What
11 did it have to do?

12 A. It referred to one section of the
13 Canada Shipping Act which stipulates that if the ship's
14 master does not fill out this form, or gives bad informa-
15 tion, that there will be a penalty which will be levied.

16 I would like to add here that on that form,
17 we also have sent a bulletin to the members explaining
18 to them exactly how to fill it out and this had been done,
19 naturally, when an agreement had been reached with Captain
20 Gendron but suddenly, this year, we found the notice in
21 the dispatching office here in Quebec which changes at
22 certain places the way in which to fill out that form.
23 This is rather complex and I must add that the members at
24 the present time no longer know how to fill out that form.
25 This relates to the audit time, reported time and sail
26 time.

27 THE CHAIRMAN: You say that new directives
28 have been posted in the Superintendent's office this year?

29 THE WITNESS: Well in the dispatching office,
30 pilot's office.



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2 THE CHAIRMAN: Who sent these directives?

3 THE WITNESS: Well the pilotage authority. It
4 came on tape -- on teletype, rather.

5 THE CHAIRMAN: You were not consulted before?

6 THE WITNESS: No, we were not.

7 Q. Here is a notice signed Captain Henri
8 Allard, 17th April 1963 concerning the way in which it
9 should be filled, the pilot's source form. Were you advised
10 about this notice?

11 A. Well this advice was posted in the
12 office and I went to see Captain Allard to ask him who
13 made these changes. I thought he had made these changes.
14 He said that it came on the teletype and that this came
15 from Montreal and they were instructions he got and we
16 had to follow these instructions. The pilots, when they
17 saw it, just wondered how this could be done because for
18 several years we had followed another system and this
19 creates confusion.

20 THE CHAIRMAN: Well the main point is to
21 compute detention, all the time taken for each trip, for
22 statistics.

23 THE WITNESS: Well this is time for these
24 statistics.

25 Q. Do you agree with the information given
26 on this form concerning the time of work, to indicate
27 the amount of work of the pilots?

28 A. Well I do not agree with this because
29 on these forms they do not take into account the time
30 needed by the pilot to leave his home and get to work, or



1 FRENCH

2 they do not take into account also the time taken to
3 wait for the ship at the office. The pilot may be there
4 two or three hours and this is not something on the form,
5 etcetera.

6 Q. May I file this notice as Exhibit 695
7 Notice from Captain Allard?

8
9 ---EXHIBIT NO. 695: Notice from Captain Henri Allard
10 dated 17th April 1963 concerning the
11 way Pilot's source form should be
12 filled out.

13 A. If I may, Your Lordship, if I may add
14 something on this subject, perhaps.

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1 FRENCH

2 My personal opinion, I don't see why
3 all these hours of leaving and boarding and waiting --
4 are
5 when it is quite clear that we /reimbursed for a service
6 rendered, and not per hour or minute, only for a total
7 service rendered, I don't see the purpose of this.

8 THE CHAIRMAN: To check the statistics that
9 you have furnished we would like you to file a copy of
10 the written explanation you gave your members in order to
11 fill this form.

12 THE WITNESS: Well, I think that we have sent
13 a memo to all members on the subject.

14 THE CHAIRMAN: This would give us the explana-
15 tion which was sent to all members on the filling of this
16 form.

17 MR. LALONDE: I think this explanation is
18 in one of the bulletins which we filed yesterday at the
19 end of the session.

20 THE CHAIRMAN: I would like you to check if
21 this is the case in the affirmative, to confirm so we
22 won't waste our time looking for all those documents.

23 MR. LALONDE: Q. I understand, Captain
24 Rousseau, that you had some differences or discussions
25 with the ship owners and the Department in 1960. I am
26 now showing you a copy of the memorandum entitled
27 Memorandum Submitted to the Minister of Transport of
28 Canada by the Association of Licenced Pilots for Quebec
29 Harbour and Below, April 4, 1960. Could you tell me if
30 this is a document which is filed with the Minister of
Transport by your Association?



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2 A. Yes. We have even, if I remember
3 correctly, we had met with the Minister, George Hees, to
4 explain to him, give him some explanation of this memoran-
5 dum.

6 Q. I am showing you furthermore a bundle
7 of correspondence exchanged between yourself and either
8 the Minister of Transport at that time or Captain D.R.
9 Jones. Is it correspondence relating to the same debate
10 on the same question?

11 A. Well, the first letter was sent to
12 Captain D.R. Jones and signed by myself relating to --
13 concerning the calculations of the \$60,000.00 which had
14 been paid in 1959 by the ship owners to the special pilots.
15 On this subject Captain Jones came to meet us in the office
16 at Quebec to tell us the amount of \$65,000.00 -- \$61,179.10
17 should be recovered by increasing the boarding or rate of
18 travel to Saguenay and to Quebec City and also by increas-
19 ing by 1/20th of a cent the rate on the net tonnage in
20 order to come to this amount of \$61,179.10.

21 Q. The other documents you are holding
22 here, are these letters which were actually received by
23 you or received or sent by you to the Minister of Transport?

24 A. Well, yes, this is a letter sent to the
25 Minister, George Hees and signed by myself. The third
26 letter was the letter received from the Minister of
27 Transport, received by me and signed by George Hees.
28 Another letter dated March 25th which was addressed to me
29 signed by J.R. Baldwin, Deputy Minister.

30 THE CHAIRMAN: Could you please tell us what



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2 was the cause of the difficulties?

3 MR. LALONDE: Q. I was going to ask the
4 question: Is this memorandum sent to the Minister of
5 Transport on April 6th, does that represent faithfully
6 an explanation of the problems you had at the time and
7 your arguments with the Ministry of Transport?

8 A. Yes, it covered all aspects.

9 Q. Well, can you briefly set forth the
10 various problems that you were facing at the time?

11 A. Well, the main problem was the fact
12 of the abolition of the special pilot system in order to
13 establish the system now at force, which is a system of
14 Grade A B and C. Now, in a letter, one of the letters
15 addressed to us Mr. Baldwin, the Deputy Minister, said
16 that the Pilotage Authority was having a new system and
17 we, the pilots, wouldn't lose any money if we were ready
18 to co-operate. Our statistics had calculated that the
19 sum paid to special pilots in the previous year was
20 approximately \$65,000.00.

21 THE CHAIRMAN: Well, the rate would therefore
22 be, just so there is no confusion, there would be no loss
23 of money?

24 THE WITNESS: That is correct. I said \$65,000.
25 It is approximately that figure. The Deputy Minister
26 wrote to us he would send someone from his Department to
27 discuss with us the adjustment of fares in order to
28 recover this amount of money and we were ^{not}/Civil Servants,
29 and the Civil Servants were in agreement on this point
30 that the amount of \$3,000.00 which we thought we would be



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2 losing, but then we received a letter saying that there
3 wasn't an agreement any more and that we wouldn't receive
4 this amount of \$3,000.00. This is one of the points which
5 we raise in this memorandum. This is one of the main points.

6 Q. What were the other items you were
7 debating at the time?

8 A. Well, there was just a question of
9 transfer of the Pilotage station from Father Point to
10 Les Escoumains. There was on this many phone calls and
11 many letters exchanged on the subject, but we met person-
12 ally at the beginning of navigation in 1960. Even if the
13 means we had at Les Escoumains were simple means we wrote
14 the members saying the situation and asking them to co-
15 operate with the people who were working on the pilot
16 launch so that we could efficiently operate at Les
17 Escoumains.

18 Q. Were there any other points of debate,
19 being debated between the Minister and yourself at the
20 time?

21 A. Well, if I may look at my notes --
22 there was also a letter received from the Director of
23 Shipping, Mr. Cumyn, dated 26th June, which mentioned the
24 abolition of the present list of apprentice pilots. They
25 intended to abolish this list completely and to introduce
26 a new system.

27 Q. Was this part of the debate at this
28 time? There is Chapter 7 in your memorandum, relating
29 to apprentice system. Are these difficulties discussed
30 in the memorandum in this Chapter 7?



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2 A. As I said, as I had mentioned before
3 were
4 when we/informed of this letter there was a Committee
5 established to study the system of apprenticeship in its
6 entirety and we asked first -- we first recruited an
7 expert on education, the Dean of the Faculty of Science
8 in the University of Laval of Quebec.

8 Q. Faculty of Science -- maybe it was
9 Social Science?

10 A. Maybe it was Social Science, Professor
11 Jean Marie Martin who worked for quite a long time with
12 the Committee which was established in order to introduce
13 a new system, increase standards of apprenticeship in our
14 profession.

15 Q. Did you have any difficulty with the
16 Committee to get this plan approved?

17 A. No, when we completed our work these
18 people came to the office, in many instances, studied the
19 system with us, and I think the law was amended, or the
20 act was amended.

21 Q. Was it amended after 1960?

22 A. Yes, the one who was in charge of
23 this Committee, Mr. Jean Lafleur will certainly say
24 something on this subject.

25 Q. Do you have a Chapter 6 in this
26 memorandum concerning the raising of tonnage from 7500
27 to 15,000 tons? Was this one of the items debated at the
28 time?

29 A. Yes, we have raised this item when we
30 met during the winter of 1960 with the ship owners in the



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2 offices of the D.O.T. and this item was raised with no
3 decision -- no action taken at the time.

4 Q. There was also a Chapter referring to
5 this special tariff for winter pilotage. Is this another
6 item discussed?

7 A. Yes, this is another item which was
8 raised by us and no solution had been found.

9 Q. We have a last chapter in this memoran-
10 dum concerning establishment of proper pilots for Quebec.
11 Had you also started raising this problem with the D.O.T.
12 at this time?

13 A. Yes, this meeting had been raised
14 during the winter meeting with the D.O.T., and if I
15 remember correctly, when we mentioned this system of
16 pilots for the Quebec Harbour there was a representative
17 or member of the Shipping Federation who said at that time,
18 if I remember correctly, and I quote in English: "Do you
19 mean to tell me that you would have a little boat to go
20 out to a big boat with a little man climbing up a ladder
21 and relieving another little man" This is all that they
22 wanted to discuss in that respect. We wanted to give them
23 our opinion but the meeting was completed without us being
24 able to give it.

25 Q. Are the explanations which you gave us
26 the summary of the problems which were pending in 1960?

27 A. Yes.

28 Q. Well then, I would like, Your Lordship,
29 to file this document entitled Memorandum Submitted to the
30 Minister of Transport of Canada by the Association of



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2 Licenced Pilots for the Quebec Harbour and below, Ottawa,
3 April 4th, 1960 as well as a copy of the correspondence
4 exchanged between the Association of Licenced Pilots for
5 the Quebec Harbour and below and the representatives of
6 the D.O.T. and the Minister of Transport himself between
7 the 22nd of February and 12th April, 1961.

8
9 ---EXHIBIT NO. 695: Memorandum submitted to the Minister
10 of Transport of Canada by the Assoc-
11 iation of Licenced Pilots for the
12 Quebec Harbour and Below, Ottawa,
13 April 4th, 1960 as well as correspond-
14 ence between Association of Licenced
15 Pilots for the Quebec Harbour and
16 Below and the representatives of the
17 D.O.T. and the Minister of Transport
18 between 22nd February and 12th April,
19 1961.

20
21 Q. Captain Rousseau, I am showing you here
22 a photostat copy of a cable dated 30th March 1960 from
23 Mr. Alan Cumyn sent to yourself in which you are informed
24 of the abolition of the special pilot system and the
25 establishment of the classification system with special
26 remuneration for Grade A pilots?

27 A. Yes.

28 Q. Do you remember having received this
29 cable?

30 A. Yes.

31 Q. Could you look at the original and
32 tell us if on this original up here is mentioned March
33 30th, 1960, 5:01 p.m.?

34 A. Yes.

35 Q. I have included it myself on the



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2 photostat copy because it did appear on the original.

3 I would like to have this filed as Exhibit 696.

4

5 ~~and was~~ EXHIBIT NO.: 696: Photostatic copy of cable dated 30th
6 March, 1960 from Mr. Alan Cumyn to
7 Captain Rousseau.

7

8 Q. I believe that these differences or
9 problems which were raised weren't solved immediately.

10 Could you briefly remember or recall the steps you took
11 in order to come to a solution on this until the month
12 of October 1960?

13 A. Well, we have tried during the season
14 to settle these problems but this was unsuccessful and
15 there was a problem I forgot to mention a few minutes ago
16 that we asked -- I think we were only 75 pilots at the
17 time and a suggestion had been made to us that the number
18 should be kept, pegged at 75 and that this, in fact, would
19 be the saturation point, and even if we needed to increase
20 the numbers of pilots afterwards instead of increasing the
21 number of pilots we would begin to have exemptions granted
22 to some vessels, but they never said which type of vessels.
23 This was one of the main problems in 1960.

24 Q. Who said that?

25 A. The Pilotage Authority.

26 Q. Who mentioned that specifically?

27 A. If I remember correctly it was Mr.
28 Alan Cumyn himself, Director of Marine Regulations.

29 Q. Was this mentioned in writing or
30 orally in a conversation?



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2 A. Well, I know that this was mentioned in
3 a conversation, but I don't think -- I don't remember that
4 there was any conversation on this.

5 Q. Was the conversation between Mr. Cumyn
6 and yourself?

7 A. No, it was Board of Directors who were
8 present during this conversation and Mr. Cumyn and Captain
9 Gendron also attending the meeting.

10 Q. You refer to Captain Jacques Gendron?

11 A. Yes, the Regional Superintendent at
12 the time.

13 Q. What happened in October 1960 with your
14 relationship with the Deputy as far as your Corporation
15 was concerned?

16 A. Well, in October we had also this
17 problem of a statistics compilation. We were disagreeing
18 with the Civil Servants on the question of the method
19 of compilation of statistics and we still believe that
20 these people were working in such a way as to demonstrate
21 or give a wrong idea of our hours of work and of our
22 remuneration. On the other hand we have seen that in
23 Quebec here -- in Quebec the Civil Servants are keeping an
24 up to date kind of form which would show the amount earned
25 by each pilot at the end of the year. This wasn't in
26 fact, actually received by each pilot because as you know
27 we have a common fund and we don't even know. We didn't
28 know that these statistics were existing. We learned
29 only when Mr. Brisset filed them the other day.

30 Q. So this document wouldn't be a cause



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2 of conflict at that time?

3 A. Well, I just mentioned that now because
4 no pilot has mentioned this fact before.

5 Q. But the source of conflict you had
6 with the Department concerning the statistics was based
7 on another form that you are mentioning since you didn't
8 know these statistics existed. Did you receive any
9 statistics from the D.O.T. at the end of the year for
10 discussions on tariffs etcetera?

11 A. Yes, there was discussions concerning
12 the effective pilots.

13 Q. Did you receive any documents on this
14 subject from the D.O.T. concerning the income -- the amount
15 of work or workload and effective pilots etcetera?

16 A. Yes, but we never came to an agreement
17 on these subjects.

18 Q. You met the Federation of St. Lawrence
19 Pilots in 1960 concerning the effects of the various items
20 you mention?

21 A. Yes, we worked generally with the
22 Federation of St. Lawrence Pilots on various problems.

23 Q. What had you decided to do at that time?

24 A. We had decided to meet in Ottawa the
25 Civil Servants in order to discuss this difficulty again,
26 and I remember having met the Honourable Leon Balcer to
27 to discuss our problems.

28 Q. And eventually the problems that you
29 had raised directly, were such problems settled in the
30 year 1960?



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2 A. Yes, these problems were settled in
3 part.

4 Q. What were the particular problems that
5 were settled at that time?

6 A. I am sorry, I forgot to mention con-
7 cerning the \$65,000.00 -- well, we left that question
8 aside and decided to give special remuneration to the
9 pilots, Grade A, which represent approximately, if I
10 remember correctly, say \$15,000.00, and we left aside the
11 difference.

12 Q. What did you do, in the month of
13 October? You obtained, for example, the remuneration for
14 special pilots?

15 A. This was confirmed by a letter to the
16 effect that the special pilots would be reimbursed.

17 Q. I would like to draw your attention to
18 a telegram of March 30th, 1960 when Mr. Cumyn states:
19 "Please be advised pilotage authority has decided to abolish
20 the special pilot practice in Quebec Pilotage District
21 and establish immediately a system of graded pilots under
22 new system all ships over ten thousand tons net together
23 with previously named passenger ships will be served by
24 Grade A Pilots and ships securing Grade A Pilots will pay
25 an additional tariff charge of twenty-five dollars per
26 trip. List of Grade A Pilots will be released tomorrow."

27 From this telegram it seems to be on March
28 30th that you obtained \$25.00 for Grade A Pilot?

29 A. Yes, I understand on April 1st, at
30 any rate, when we had spoken about abolition of the special



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2 pilots there was mention made in a letter signed by Mr.
3 Baldwin that the pilots wouldn't lose that amount paid
4 to special pilots.

5 Q. Mentioning the problem that you raised
6 in your brief of April, you have mentioned one which has
7 with
8 to do/winter navigation. Were there any regulations
9 concerning the winter navigation or settlements in October,
10 1960?

11 A. Well, at that time we had asked as
12 winter navigation was turning to be more and more import-
13 ant -- we had asked that two pilots, two pilots be on
14 board a ship after December 1st, I think it was. On the
15 fact of putting two pilots on board each vessel the
16 Pilotage Authority were in agreement. They weren't in
17 agreement with the date of December 1st. Mr. Alan Cumyn ,
18 in Montreal at that time, had mentioned a date such as
19 December 14th, I think.

20 Q. And finally what agreement was reached
21 with the Department?

22 A. Well, there was an agreement reached
23 that the winter navigation, two pilots would go on board
24 each vessel starting December 1st.

25 Q. Until what date?

26 A. Until April 8th.

27

28

29

30



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2 Q. Would the second pilot receive a
3 complete remuneration?

4 A. No. The second pilot on board would
5 receive the maximum, or at the most \$100.00. There was
6 also another problem, if my memory serves me right, it
7 was a problem of letting foreigners or American pilots
8 perform work up to the District of Cornwall to Montreal
9 and if I remember correctly at those meetings we had
10 protested, that is, all the pilots present had protested
11 against the fact that American pilots would perform their
12 duty up to Montreal.

13 Then we were told that in a few years time
14 the same pilot who would go to Montreal would be authorized
15 to go to Father Point.

16 Q. When was that point mentioned to you?

17 A. Well we had so many meetings during that
18 spring period that -- it was mentioned in the spring of
19 1960.

20 Q. Was that one of the problems that you
21 raised with the Minister in October?

22 A. Yes, this was one of the major problems
23 that was raised then.

24 Q. Did you have any guarantee on that
25 subject from the Minister?

26 A. Yes. I think that the Minister signed
27 an agreement and this was the first thing mentioned in
28 that agreement, that there was a guarantee to the effect
29 the American pilots would not navigate in Canadian waters.

30 Q. And you had asked, in your brief to



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2 put some 7,500 to 10,000 tons the maximum due for the
3 tonnage. Did you obtain what you asked for?

4 A. Yes, in October this request was granted.

5 Q. Did that have any link with the payment
6 that was to be given as compensation for special pilots?

7 A. In the last analysis, yes. We have
8 figured we would not ask for the full \$65,000.00. If,
9 for example, we would consent in studying this problem
10 of 7,500 tons to 10,000 tons.

11 Q. You have mentioned certain problems
12 which have been settled in the course of the meetings of
13 the month of October to establish the increase of the
14 maximum limit in tonnage, and too, insofar as pilots'
15 dues were concerned, to establish or to set a special
16 rate for the winter navigation and the guarantee, to
17 the effect, that American pilots would not navigate the
18 District from Montreal and in the Canadian waters, that
19 is the District from St. Regis. Were there any other
20 matters that were settled in October 1960 amongst the
21 problems that you had mentioned beforehand, or insofar
22 as you can remember is this the total sum of the problems
23 settled within your District?

24 A. I think that is about it.

25 Q. Certain problems were raised, I think
26 in April 1962, or these problems, at any rate, reached an
27 acute stage in April 1962. I suppose that you are aware
28 that there has been a stoppage of work in April 1962?

29 A. Yes. I am fully aware of that.

30 Q. What were the main problems raised



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2 insofar as your own district was concerned?

3 A. The main problem was to -- wanting to
4 take a part of the pilots' earnings in order to pay the
5 different clerks at the stations, as well as for the
6 administration of pilotage stations and pilot boats. A
7 letter was sent to us to inform us that out of our earnings
8 a certain amount would be taken. That is, to the effect
9 of four and a half per cent of gross earnings in order to
10 pay the cost that I just mentioned.

11 Q. Now I would like to show you a letter
12 dated September 15th 1961 addressed to yourself and signed
13 by Mr. J.R. Baldwin, The Deputy Minister of Transport.
14 Have you received that letter in fact and has that letter
15 something to do with the problem that you have just
16 mentioned?

17 A. Yes, this is it.

18 Q. Now I would like to show you another
19 letter from the Honourable Leon Balcer dated February 20th
20 1962 addressed to yourself. Do you remember having received
21 such a letter?

22 A. Yes, I remember very well.

23 Q. Does that last letter have anything
24 to do with the using of part of your earnings for the
25 administration costs of pilotage within your District?

26 A. Yes.

27 Q. I would like to file these two documents
28 as Exhibit 697.

29
30 ---EXHIBIT NO. 697: Letter from Mr. J.R. Baldwin addressed



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2 to Mr. Gaston Rousseau dated September 15th
3 1961 and a letter from the Honourable Leon
4 Balcer to Captain Gaston Rousseau dated Feb-
5 ruary 20 1962 dealing with the using of Pilotage
6 earnings to cover administration costs
7 of Pilotage.

8 What was the attitude of your group as regards
9 this project?

10 A. It is quite sure that all the members
11 were not too favourable to such a proposal from the
12 Minister.

13 I would like to draw attention to the fact
14 that I went to Montreal and I there learned of a similar
15 proposal which had been sent to the Pilots of St. John
16 New Brunswick where the Minister was even sterner and
17 mention was made of 25% for the pilots of St. John New
18 Brunswick. That is 25% of the gross earnings of pilots
19 in St. John.

20 Q. Were there any other problems in your
21 District which were raised at that time? That is, in the
22 spring of 1962?

23 A. The other problems were minor. This
24 was the main problem.

25 Q. And according to you it was the most
26 important question in the course of your discussions with
27 the Department in April 1962?

28 A. Yes.

29 Q. This stoppage of work of 1962 was
30 certainly not decided suddenly by yourself, I suppose.
What steps did you take? Did you consult the members



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2 before making such a decision? Did you receive instruc-
3 tions from the Federation of St. Lawrence Pilots or from
4 the similar organization?

5 A. I am a member of the Board of the
6 Federation. I made no decision. The Board of the
7 Corporation of Lower St. Lawrence Pilots convened a
8 General Special Meeting. I do not recall the exact date
9 of it. March 6th I think.

10 Q. I would like to show you certain doc-
11 uments.

12 A. It was April 4th. I have a note here
13 to that effect.

14 Q. So you convened a Special General
15 Meeting of the members on April 4th 1962?

16 A. Yes.

17 Q. And what decision was made at that
18 time?

19 A. Well I had given them my explanations
20 and I asked them, or rather I consulted the members in
21 order to find out exactly what should be done as the
22 Authority wanted to take off this $4\frac{1}{2}\%$. Well we thought
23 it was a question of major importance and the members
24 present attending that meeting, there were 55 out of 77
25 who were attending that General Special Meeting; 9 were
26 at Les Escoumains Station en route and the 55 who were
27 attending that meeting voted unanimously because we were
28 going to convene a General Special Meeting if the Depart-
29 ment insisted on enforcing what had nothing to do with us,
30 to take away from us $4\frac{1}{2}\%$ of our earnings.



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2 Consequently, there were 55 pilots or member
3 pilots present at that meeting, 9 of them either phoned
4 us or else told us they were in full agreement with the
5 majority of the members.

6 Q. And as a fact, history has shown that
7 a stoppage of work occurred on April 6th 1962?

8 A. A stoppage of work, if you give it this
9 terminology, but we were sitting in a General Special
10 Meeting.

11 Q. But were General Special Meetings held
12 at that time?

13 A. Yes. Unfortunately, yes they were held
14 here in Quebec practically every day.

15 Q. On April 6th 1962, upon the stoppage
16 of work or the convening of these General Special Meetings,
17 had you obtained a guarantee from the Department to the
18 effect that it would not enforce this project of taking
19 part of your earnings in order to use them for payment
20 of the administration costs for pilots? At the time of
21 the stoppage of work or prior to it did the Department
22 tell you that it would not implement this policy?

23 A. No, I don't think so.

24 Q. As regards the mention of that
25 proposal from the Department, I see, according to the
26 minutes of the Corporation, that that problem was raised
27 at a meeting of March 2nd 1962. Could you please look
28 at this document? You refer therein to a meeting that
29 was held between the representative of the Canadian
30 Merchant Service Guild, representatives of the Federation



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2 and the Minister?

3 A. Yes. I remember that we met that
4 winter with the Minister in Ottawa in order to discuss
5 this problem.

6 Q. And according to your prior evidence,
7 the question that you answered previously, I am led to
8 believe that at that time you did not obtain the guarantee
9 you were asking for?

10 A. No.

11 Q. I would like to file this certified
12 excerpt of the minutes of the meeting of the Board of
13 the Corporation of the Lower St. Lawrence Pilots dated
14 March 2nd 1962 as Exhibit 698.

15
16 ---EXHIBIT NO. 698: Certified excerpt of the minutes of
17 the meeting of the Board of the
18 Corporation of the Lower St. Lawrence
19 Pilots dated March 2nd 1962.

20 Q. At the termination of the stoppage of
21 work, at the end of your General Special Meeting, did you
22 obtain the guarantees you were looking for as regards the
23 abandonment of such policy as had been proposed by the
24 Department?

25 A. Yes.

26 Q. I would like to file in a bundle a
27 true copy of the General Special Meeting of the Corporation
28 of the Lower St. Lawrence Pilots and of the Association
29 of Licenced Pilots for the Quebec Harbour and Below
30 dated 4th, 6th, 9th, 10th, and 13th of April 1962 as



1 FRENCH

2 Exhibit 699.

3

4 ---EXHIBIT NO. 699: True copy of the General Special
5 Meeting of the Corporation of the
6 Lower St. Lawrence Pilots and of the
7 Association of Licenced Pilots for the
8 Quebec Harbour and Below dated 4th,
9 6th, 9th, 10th, and 13th of April,
10 1962.

8

9 Q. Your Corporation, as well as the
10 Association of Licenced Pilots for the Quebec Harbour have
11 been members of the Federation for many years?

12 A. Since 1959.

13 Q. Before the establishment of the Federa-
14 tion, have joint organizations of the different groups
15 of pilots on the St. Lawrence been created?

16 A. No. We were members of the Canadian
17 Merchant Service Guild.

18 Q. Now as relates to Bill S3 you had
19 established a joint organization, or representing exclusive-
20 ly the St. Lawrence Pilots. Was there a joint Committee
21 established to that effect or had you all defined your
22 policies independently?

23 A. Before Bill S3, all the pilots, the
24 pilots were not affiliated.

25 Q. With the advent of Bill S3 I know
26 that your Corporation was not a member of the Federation
27 of St. Lawrence Pilots at that time?

28 A. No. The Federation was established
29 after the advent of Bill S3. I remember having signed a
30 request or petition to the effect that the pilots should



1 FRENCH

2 establish a Federation.

3 Q. I would like to show you a true copy
4 of the minutes of the Special Meeting of the Board of
5 the Association of Licenced Pilots for the Quebec Harbour
6 and Below dated September 2nd 1958, and I see here that
7 at that meeting mention was made of a project of a Joint
8 Committee of the St. Lawrence Pilots. Would you be in a
9 position to tell me, if, to your knowledge, this Joint
10 Committee was really established later on?

11 A. Yes.

12 Q. Was your Association a member of that
13 Joint Committee?

14 A. Yes.

15 Q. Was that Joint Committee established
16 because of Bill S3 or for another reason?

17 A. Because of Bill S3.

18 Q. I would like to show you another
19 excerpt, a true copy of an excerpt of the minutes of the
20 Board of the Association of Licenced Pilots for the Quebec
21 Harbour and Below held on April 13th 1959 in which a
22 petition or request is mentioned. Do you remember having
23 ever signed such a request or petition aiming at the
24 affiliation to the Federation of the St. Lawrence Pilots?

25 A. I think so.

26 Q. For the record purposes, I would like
27 to read out this excerpt. It is very brief, entitled
28 Request re Federation: "The office is informed of a
29 petition signed by 50 pilots concerning the project of
30 a Federation of the St. Lawrence Pilots. This is the text



1 FRENCH

2 of that request: We, the undersigned, would like to
3 establish a Federation of the St. Lawrence Pilots in order
4 to protect our rights as regards the opening of the St.
5 Lawrence Seaway and this project is under study at the
6 present time." I would like to file another excerpt of
7 the minutes of the meeting of the Board of the Association
8 of Licenced Pilots for the Quebec Harbour and Below held
9 on September 28th 1959. It's entitled "Federation:
10 Whereas, more than two-thirds of the members have given
11 their consent to a request so that the Association would
12 become a member group of the Federation of the St. Lawrence
13 Pilots M.C.A. Chouinard moves and seconded by Mr. Jean
14 Louis Latulippe, that the Association become a member
15 group of the Federation of the St. Lawrence Pilots.
16 Adopted unanimously."

17 I would like to file these documents in a
18 bundle as Exhibit 700.

19
20 ---EXHIBIT No. 700: Excerpts of minutes, September 2nd,
21 1958, April 13th, 1959, September
22 28th, 1959.

23 THE CHAIRMAN: It is a good thing at any rate
24 that we file some documents once in a while in a bundle.

25 Q. To your knowledge did the Association,
26 as well as the Corporation of the Lower St. Lawrence Pilots
27 always remain member groups of the Federation ever since
28 that date?

29 A. Yes. They still are.

30 THE CHAIRMAN: Mr. Lalonde if you are going



1 FRENCH

2 to change the subject, we will adjourn now.

3

4 ---Short recess.

5 ---Following short recess.

6 ENGLISH

7 MR. LALONDE: My Lord, before the adjournment

8 I read abstracts from Exhibit 694 and my attention has
9 been drawn to some other aspects which I would like to
10 draw the attention of the Commission to. First of all,
11 the letter of the Shipping Federation dated March 4th 1958
12 bears the mention that copies were sent to the Department
13 of Transport and it is written on the copy of this letter:
14 "Together with copy of your letter of January 31st contain-
15 ing the proposal of the Quebec district is being forwarded
16 to the Department of Transport for the information and
17 the concurrence of the Pilotage Authority, the Honourable,
18 the Minister of Transport" and the note attached to the
19 letter of Captain Allard of April 9th 1962 bears the
20 mention that we received with the copies of correspondence
21 between the Shipping Federation and the Department in
22 regard to the institution of a charge of \$25.00 per day
23 when a pilot is carried outside of his district. However,
24 notwithstanding the willingness of the Shipping Federation
25 to pay this rate, the provisions of Section 359 of the
26 Canada Shipping Act setting a charge of \$15.00 per day
27 cannot be ignored and in conformity you are requested to
28 issue such bills on this basis in the future and thereafter."
29 They say the next occasion they open the Shipping Act they
30 will bring this matter up.



1 ENGLISH

2 MR. BRISSET: Since we are on this subject,
3 to complete Exhibit 694, I think it would be advisable to
4 file with this Commission under the same number a letter
5 dated April 2nd 1958 from the Department of Transport to
6 the Shipping Federation of Canada which reads as follows:
7 "We note from your letter of March 4th and enclosures,
8 that the Shipping Federation has agreed with the Quebec
9 Pilots' Association on the following changes in the remuneration of the Quebec Pilots:

11 (a) that the per diem allowance of \$15.00 payable
12 to a pilot or an apprentice pilot taken out to sea
13 or beyond the limits for which he is licenced be
14 increased to \$25.00 and

15 (b) the fee paid to second pilots after November 20th
16 annually be increased to \$50.00.

17 The Pilotage Authority has no objection to
18 either of these changes. The per diem allowance of \$25.00
19 will be included in the next revision of the By-laws of
20 this District. Since the second item deals with a subject
21 not referred to in the By-laws no action on our part is
22 necessary. (Sgd.) (Norman Wilson) Director Marine Services."

23
24 FRENCH

25 DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

26 Q. To your knowledge Captain Rousseau are
27 the pilotage by-laws in your District, have they been
28 amended partly since 1958?

29 A. Yes.

30 Q. Has the clause mentioned in the letter



1 FRENCH

2 from the Ministry been inserted in your regulations?

3 A. No, I don't think there was any amend-
4 ment made in the Shipping Act on that point.

5 Q. For the information of the Commission,
6 I should perhaps point out once again that this amendment
7 should have been made by an amendment to the Canada
8 Shipping Act since this is the Act which provides itself
9 such a system in article 359 of the Canada Shipping Act.
10 There was a mistake in the text. This is a letter from
11 the D.O.T. Perhaps we should not be surprised. The
12 letter from Captain Henri Allard, to Captain Rousseau
13 refers to Article 329 of the Canada Shipping Act. The
14 Article in fact is Article 359. Captain Rousseau we
15 have had some evidence from Captain Dussault concerning
16 difficulties which arose from time to time with vessels
17 circulating without pilots in this District. During the
18 recent month or this year have you received any complaints
19 from pilots on this subject?

20 A. Yes, a few complaints.

21 Q. In writing?

22 A. In writing.

23 Q. Here are some photocopies of two letters
24 sent by pilots to yourself and two documents signed by
25 pilots entitled, one "statement" and the other one "report
26 of near collisions on St. Lawrence River". Were these
27 documents sent to you by pilots of your District?

28 A. Yes.

29 Q. When did you ask to get written reports
30 on this subject?



1 FRENCH

2 A. Last winter, perhaps during the General
3 Assembly of last winter.

4 Q. I would like to file these four documents
5 as Exhibit 701, entitled "Reports of near collisions in
6 the Quebec District with vessels without pilot aboard in
7 the year 1963."

8
9 ---EXHIBIT NO. 701: Four documents Reports of near coll-
10 isions in the Quebec District with
11 vessels without pilot aboard in the
12 year 1963.

13 A. I would like to mention here that there
14 were other incidents of this kind with the pilots who
15 mentioned they could not get the name of the schooner or
16 coastal vessel because it was during darkness and I simply
17 told them well to drop the matter because they do not know
18 the name of the vessels.

19 Q. I notice in by-law number 1 of the
20 By-law of the Pilots of Lower St. Lawrence that they have
21 the authority to amend by-laws of your Corporation subject
22 to approval by the Secretary of State. These amendments
23 are in force immediately after approval until the next
24 General Assembly of members, which is paragraph (a) of
25 Article 100. Is there any particular reason for which
26 your Board of Directors has such authority?

27 A. We studied these by-laws. This
28 Article 100 was subject of many discussion and members
29 realized that it was preferable to grant such authority
30 to the Board of Directors because they did not want to



1 FRENCH

2 convene a General Assembly of members during navigation
3 season to amend by-laws, and that is the reason why such
4 a clause was inserted in our by-law.

5 Q. Were there any places where you had to
6 amend regulations or by-laws during the season of naviga-
7 tion?

8 A. Yes. There was in 1960 when Grade A
9 was established. There was an amendment which was required
10 to the by-laws and the question of the \$25.00 to Grade A
11 pilots.

12 Q. Was it necessary for the operation of
13 your common fund to immediately amend these regulations?

14 A. Yes.

15 Q. To your knowledge were the amendments
16 made in your District, were they related to by-law number
17 2 concerning the common fund operation, or by-law number
18 1, by-law of general operation to your Corporation?

19 A. I think it was by-law number 2.

20 Q. I would like now quickly to ask you
21 a few questions concerning the Corporation of the pilots
22 for the Quebec Harbour and Below and the operation of your
23 pension fund. I notice that you have revised the by-laws
24 in April and May 1961, such by-laws have been issued twice
25 a week in the Quebec Chronicle Telegraph and other official
26 journal in order to advertise these amendments or revisions.
27 What type of revision did you operate in 1961?

28 A. Well the regulation of the Corporation
29 of Pilots for the Quebec Harbour and Below were fairly
30 old. They dated back to 1860 and there was no change that



1 FRENCH

2 had been made to these by-laws and changes, for instance
3 trying to limit the function of the Executive Office.

4 Q. Well the regulations you have referred
5 to which were in force before 1961, were these regulations
6 which appear on Exhibit 592 at the end of that Exhibit
7 entitled "By-law concerning the pensions in force on 24
8 December 1935."?

9 A. Yes.

10 Q. Well these were the by-laws you were
11 referring to which were in force when you affected your
12 revision in 1961?

13 A. That is the case, yes.

14 Q. What was the purpose or aim of the
15 revision made in 1961 of these regulations of 1935?

16 A. The purpose was to define the functions
17 of the administrators and to limit their authority or
18 powers. That is, before their powers were unlimited and
19 we wanted to reduce these powers.

20 Q. How did you limit the powers of the
21 administrators?

22 A. Well we established another Committee
23 to study and draft these regulations or by-laws, and these
24 by-laws were submitted to the Board of Directors and
25 adopted later, by the members at a General Assembly.

26 Q. If I understand correctly, they were
27 issued in the newspapers?

28 A. Yes, published in the French and English
29 newspapers of Quebec City.

30 Q. Did you amend in 1961 the benefits



1 FRENCH

2 provided by the old Act?

3 A. No. We did not amend these benefits.

4 Q. Would it be correct to say that the
5 amendments you made in 1961 referred to the General
6 Administration of the pension fund?

7 A. Yes.

8 Q. To your knowledge was the administration
9 of the pension fund in the past set with the Department --
10 was there any difficulty raised concerning procedure,
11 etcetera?

12 A. There was no election procedure, for
13 instance, the powers of Administrators were very wide. If
14 they wanted to increase the pension fund without even
15 studying whether the fund could bear these increases, they
16 could do so.

17 Also, in 1959 the pensions were increased from
18 15 to 17% even before a report from actuaries would be
19 received and we had to stop and wait to proceed by such
20 a system.

21 Q. To your knowledge had your Corporation
22 asked for legal interpretation about the rights of the
23 various people involved in your pension fund in the past?

24 A. We have asked our legal adviser to make
25 a study on the way in which we could invest our money and
26 we received a letter from Paul Jean LaJolie which
27 surprised us because we always were under the impression
28 that we could not invest, for instance, by mortgage.

29 Q. Well this has been filed in this
30 Commission during the cross-examination of Mr. Koenig I



1 FRENCH

2 think?

3 A. Yes.

4 Q. Well here are photocopies of three
5 opinions, legal opinions dated 2nd August 1935, 16th
6 March 1937 and 27th February 1951. Have you had an oppor-
7 tunity of looking at these opinions during the exercise
8 of your function as President?

9 A. Yes. I think I read all these opinions.
10 There were some opinions, therefore, I was mistaken. There
11 were some opinions expressed on this before.

12 Q. I would like to file this as an
13 Exhibit. These are three legal opinions, one dated 2nd
14 August 1935 and issued by the St. Laurent Gagne Devlin &
15 Taschereau and the other one 16th March 1937 from the
16 same office, St. Laurent Gagne Devlin & Taschereau and
17 one 27th February 1951 coming from Lesage Turgeon & Lesage.
18 As Exhibit 702.

19
20 ---EXHIBIT NO. 702: Three legal opinions, one dated 2nd
21 August 1935 and issued by the St.
22 Laurent Gagne Devlin & Taschereau
23 and the other one 16th March 1937 from
the same office, and another one 27th
February 1951 coming from Lesage
Turgeon & Lesage.

24
25 Q. Your Lordship I am filing these documents
26 that I think are important for eventual analysis that the
27 Commission will wish to make of the pension fund and I
28 think this is an excellent analysis of the problems, a
29 legal interpretation of the present pension scheme of the
30 Corporation. I would also like to file under a separate



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2 number, since this is a completely different item, a
3 copy of a statute 1112 Victoria Chapter 114, 1849 Statute
4 entitled "Act to Review the last Ordinance relating to
5 powers and rights of the Corporation of the Maison de la
6 Trinite de Quebec and for other purposes." There is a
7 photocopy of a certificate which is attached to this
8 law which certifies the Secretary of State -- the Secretary
9 of State certifies to the authenticity of this Statute.

10 THE CHAIRMAN: At the time in 1845 it was
11 the Union of Canada.

12 MR. LALONDE: Well this is the Statute of
13 Canada Third Parliament 1849. Since it is not in the
14 Statute it might be used for analysis.

15
16 ---EXHIBIT NO. 703: Statute 1112 Victoria Chapter 114,
17 1849 Statute entitled "Act to
18 Review the last Ordinance relating
19 to Powers and rights of the Corpor-
20 ation of the Maison de la Trinite de
21 Quebec and for other purposes".

22 Q. Captain Rousseau I am drawing your
23 attention to Exhibit 671, brief presented by the St.
24 Lawrence Pilots to the Royal Commission and I draw your
25 attention to page 120, 121, 122 and 123 which includes
26 paragraph 186 to 294. Did you have an opportunity to
27 read these paragraphs?

28 A. Yes.

29 Q. To the best of your knowledge do they
30 correctly and accurately describe the situation concerning



1 FRENCH

2 the pension fund?

3 A. Yes.

4 Q. You referred earlier to an increase
5 which occurred before you received the report, or a certain
6 report from the actuaries. Did you ever ask for a report
7 from actuaries since you are in the function?

8 A. Yes. We have asked for two. We have
9 received the last one very recently.

10

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1 FRENCH

2 A. There was one in 1958 and the other
3 one in 1961 and the last one in 1963.

4 Q. I am showing you here as a bundle copies
5 of correspondence between Captain D.R. Jones, Supervisor
6 of Pilotage to Mr. Wilfred Menard and yourself dated the
7 16th of December, 1959; 10th January, 1960 and 28th June
8 1963. Are these the reports referred you?

9 A. Yes.

10 Q. These reports were sent upon your
11 request or did you receive them without requesting them?

12 A. We have certainly requested the second
13 one -- that is 1962.

14 Q. The one which is referred to as January
15 1962?

16 A. Yes, but as far as the first one is
17 concerned we haven't requested it.

18 Q. Were you on duty when the first one of
19 January 1959 was received?

20 A. Yes.

21 Q. This is filed as Exhibit 704, corresp-
22 ondance between the Corporation of Pilots for the Quebec
23 Harbour and Below and D.R. Jones, Supervisor of Pilotage
24 in Ottawa. These actuary reports concern the actuarial
25 deficits of your pension fund asking you in particular in
26 1959 to take some steps for remedying the situation. Can
27 you tell me what measures have been instituted or taken
28 by the Corporation in order to improve the situation of
29 your pension fund?

30 A. Well, in March, 1961, we had an



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2 Assembly of the members at which we invited an economist,
3 economic adviser and we had also invited the manager of
4 the General Trust of Quebec to explain...

5 Q. You are referring to General Trust of
6 Canada?

7 A. General Trust of Canada, yes, the
8 office in Quebec of the General Trust of Canada to explain
9 how it could happen that even if you had the impression of
10 having a big capital investment how could the fund be
11 in deficit. These people explained to the members that
12 we were really in deficit and that the report we had from
13 Ottawa was serious. We explained to the members that
14 something would have to be done certainly to remedy such
15 situation. I explained to the members that first for the
16 purpose of administration every year a certain amount, I
17 think the \$2,000.00 which was paid by the Pension Fund
18 to the Association of Pilots for administration should be
19 abolished and we decided so. We decided to abolish this
20 so as to help a little bit.

21 We also explained to the pilots who were older
22 -- we asked them rather to kindly postpone their retire-
23 ments so as not to increase the deficit. Thirdly we had
24 met the Manager of the General Trust of Canada who was
25 charging quite an amount of money for administration and
26 it was agreed with him that he would help us on this and
27 that he would reduce his charges and he did so by about
28 \$1500.00 a year. That was the third step. The fourth
29 step was a little bit more difficult. It was to ask the
30 members to take a decision on the subject of increasing



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2 the assessment from 7% to 10%. There was some argument
3 on this and finally there was a vote and the majority
4 decided to approve the assessment from 7% to 10%. This is
5 why the latest report of the actuaries is a little better
6 than the one which we received in 1959. I think that is
7 a brief summary of what has happened on the question of
8 the Pension Fund.

9 Q. So these are the four main steps that
10 you have taken in order to improve your pension fund?

11 A. Yes, that is today that -- I forgot
12 to mention starting at that time or from that moment on
13 we constantly studied, that is we studied our funds and we
14 decided to make some changes and to make investments at
15 the highest possible rate of interest so as to get a better
16 income, naturally, so we asked the General Trust whenever
17 we made investments to make a check, verification and to
18 tell us the investments were proper or not. Many times
19 they tell us, perhaps you should wait and perhaps invest
20 in another category of bonds. Thus we have increased our
21 interest rate considerably starting from the 1960 until
22 1963. I have some notes about that here. For example,
23 during the first year the rate of interest on the capital
24 was on an average of 3.74%, and then we increased it by
25 making some changes and we increased it to 4.85 in 1961
26 to 4.95% in 1962. This is what our investment yield at
27 the present time is.

28 Q. Do you notice a certain advantage in
29 seeing to it that your pension fund be administered by
30 yourselves on site?



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2 A. Yes, because we can thus provide the
3 bonds and whenever we need to make some exchanges. For
4 example we have been supervising the whole thing to make
5 necessary changes. For example, yesterday or the day
6 before yesterday when the Quebec bonds have been issued on
7 the market well, we have been advised a few nights ago to
8 wait before making some adjustment and we waited until
9 yesterday and yesterday I received a phone call telling me
10 that the Quebec bonds would be on the market and we had
11 cash, \$30,000.00 and we bought \$30,000.00 worth of bonds
12 of the Province of Quebec at the price of 99½, and this
13 morning I was informed they had reached 101 and we can
14 make a little more in capital. I hope the situation will
15 go on like that.

16 Q. The fact that you were administrating
17 on a local basis on the site your Pension Fund constitutes
18 an advantage as regards to the deal you have made?

19 A. I know that our Montreal colleagues
20 sent the amount to be invested to Ottawa and I don't
21 believe that the people of Ottawa could have made the deal
22 that we made yesterday or the purchase that we made yester-
23 day.

24 Q. This could be checked. Your lordship,
25 I see that in addition a letter has been sent by Captain
26 D. J. Jones to myself on April 19th, 1961, as regards the
27 Pension Fund and the effect of the increase from 7 to 10%
28 assessment. I have here a copy of this letter and I am
29 ready to show it to the witness if it is necessary in
30 order to have it certified, a true copy.



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2 THE CHAIRMAN: Well, if somebody has doubts we
3 can see to it that Captain Jones is in the witness box in
4 Ottawa. I am satisfied.

5 MR. LALONDE: Q. "The members of the present
6 Pilots' Committee merits a strong recommendation for
7 making the recommendations and instructions have already
8 been issued to put these changes into effect immediately"
9 dated April 19th, 1961. This will be attached to Exhibit
10 704 entitled Different Reports of Actuaries and correspon-
11 dence exchanged between Corporation of Pilots for the
12 Quebec Harbour and Below and Captain Jones. Yesterday,
13 my colleague, Mr. Brisset, or the day before yesterday,
14 I no longer know, my colleague Mr. Brisset asked for the
15 reports of the President to the General Annual Meetings
16 from 1962 to 1963 exclusive to be filed. I have obtained
17 copies of these reports and I understand they are attached
18 to Exhibit 683. Captain Rousseau, I would like to take
19 you back to Exhibit 671, the brief submitted by the
20 Federation of St. Lawrence Pilots to the Royal Commission
21 of Pilotage. I would like to draw your attention to
22 paragraph 5, page 2 of this report and amongst other
23 things mention is made because it is impossible to hold
24 Special General Meetings during the full navigation season
25 you adopted the policy of consulting by mail your members,
26 so that each Corporation member of the Association knew of the
adoption of that policy. I show you Exhibit 638 which is
28 document entitled Corporation Lower St. Lawrence Pilots
29 which is certified, a letter signed by yourself to each
30 member and to which certain specific recommendations of



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2 the Corporation of St. Lawrence as well as the Association
3 of Licenced Pilots of Quebec Harbour and Below have been
4 attached. Was that a document sent by you on December
5 5th, 1963?

6 A. Yes, it was sent to 77 pilots of the
7 District.

8 Q. Consequently it would include the brief
9 of the Association as well as those of the Corporation?

10 A. Yes.

11 Q. That letter stated any member who is
12 not in agreement should submit his disapproval within
13 7 days of the date of the letter. Can you please tell
14 the Commission how many members submitted disapproval,
15 either full disapproval or partial within the seven days
16 or subsequently?

17 A. I think in all we received 6 letters.

18 Q. Did those letters express partial or
19 full disapproval as regards the recommendations attached
20 to the letter?

21 A. No, certain of them completely dis-
22 approved of these recommendations and others stated it
23 wasn't worth while. It wasn't enough.

24 Q. So you mentioned out of them all you
25 received 6 letters to your knowledge. There were no other
26 letters?

27 A. No.

28 Q. Aside from that expressing disapproval
29 of this recommendation?

30 A. No.



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2 Q. I would like you to press on to page
3 222 of the brief. The section entitled Corporation of
4 Lower St. Lawrence Pilots and Association of Licenced
5 Pilots of Quebec Harbour and Below. This section includes
6 six recommendations I would like to review with you. The
7 pages to which I referred are the pages in the French text
8 because in the English text the pages are different but
9 the number for each paragraph is the same. Paragraph 616.
10 The first recommendation has to do with boundaries of the
11 District. You ask that the eastern boundaries of the
12 District be amended so as to correspond to the new situation
13 resulting from the displacement of the pilotage station
14 from Father Point to Les Escoumains. These new limits
15 must be constituted by an imaginary line drawn from the
16 quay at Escoumains to the eastern extremity of Ile aux
17 Basques. Paragraph 617 enumerates certain number of
18 arguments to support such a recommendation. Did you read
19 that text?

20 A. Yes.

21 Q. Do you have anything to add to the
22 contents of paragraph 616 and 617?

23 A. No, with the exception that I think
24 this would be extremely important because at the present
25 time we can be called upon to go to Rimouski, for example,
26 and we cannot refuse to go without any remuneration.

27 Q. To your knowledge has any pilot ever
28 refused to pilot ships to Rimouski?

29 A. No, nobody refuses. I was asked what
30 should be done if a ship's master asked them to take them



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2 up to Rimouski and what charge should be made and I
3 explained to those pilots that according to the law they
4 couldn't charge anything to go to Rimouski because it was
5 still within the boundaries of the District.

6 Q. Aside from Rimouski Harbour is there
7 another one?

8 A. Yes, there is one boundary from Les
9 Escoumains.

10 THE CHAIRMAN: As this Commission has already
11 been told this gives rise to a legal situation in Rimouski
12 because there is some pilotage that has been done there by
13 unlicensed pilots within the boundaries of the District.
14 It is tolerated, but, of course, is an infringement on
15 the law and if the law is not adequate it seems it should
16 be amended or some steps should be taken against those
17 that are guilty of infringements against the law. If there
18 are any contrary arguments by Counsel to what I have just
19 said you may develop that.

20 MR. LALONDE: Q. I may tell you, My Lord,
21 I and my client agree entirely with your statement. If
22 you want to pass on to recommendation 2, Captain Rousseau,
23 this recommendation reads as follows: Paragraph 618:
24 "That a restricted navigation zone of embarkation and
25 debarkation be established to encompass the radius of two
26 miles from Anse aux Basques." This relates to good naviga-
27 tion. Captain Doussault mentioned about it during his
28 evidence. Do you have anything to add about that?

29 A. No. I think my colleague, Doussault,
30 explained the situation extremely well and consequently



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2 I would have nothing to add to it.

3 Q. Recommendation 3 is entitled Exemptions
4 and Paragraph 620 reads as follows: "That no other
5 exemption from compulsory payment of pilotage dues be
6 granted". Paragraph 621 reads: "We refer the Commission
7 to Chapter 9 of the present brief which deals with the
8 question of exemption." Do you have any comments to make
9 relating to this recommendation relating to restricting
10 it to the status quo re present exemptions from compulsory
11 pilotage dues in your District?

12 A. Our opinion about that is that the
13 exemptions already granted, and perhaps even -- are not
14 restricted enough, but at any rate we don't want to give
15 rise to a series of arguments about that matter and con-
16 sequently we prefer to stay with the status quo. We know
17 full well that the traffic within our District is increas-
18 ing constantly and to grant further exemptions to any other
19 ships with the exception of those already exempted would
20 certainly not be a good idea and certainly would not be
21 for the safety of navigation.

22
23 ENGLISH

24 COMMISSIONER SMITH: Captain, on the question
25 of compulsory pilotage there is a recommendation here in
26 the brief, the main brief, recommendation number 15. I
27 will read it: "Compulsory pilotage: The legislative rule
28 in the matters of pilotage should be changed from compul-
29 sory payment of pilotage dues to compulsory pilotage,
30 purely and simply". It goes on to say that the present



1 ENGLISH

2 rule makes a mockery of the elementary principle, presum-
3 ably safety. You agree with that. Would you develop that
4 a bit.

5 A. Well, Mr. Commissioner, I haven't
6 studied the letter, but it seems to me as it stands now
7 this line about getting all ships to take pilots, what
8 happens here is that if for some reasons, let us say
9 weather, for instance, that a pilot cannot board a ship
10 the Captain would decide to proceed by himself. As it
11 stands now he will say to himself, I will pay the pilotage
12 bill but I will not lose the time. By doing so I think
13 he is endangering the shore communities, and perhaps
14 other ships he will meet, his crew and the passengers
15 and the cargo if he doesn't understand the waters that
16 he is proceeding into. That is my opinion.

17 COMMISSIONER SMITH: Let me ask you this:
18 In the District in which you are President of the Corpora-
19 tion would you be in favour of compulsory pilotage policy?

20 A. I would say, sir, I favour a compulsory
21 pilotage policy. I can give here an example. In 1960
22 we had very bad weather and the pilot boat was stationed,
23 not at the Port of Escoumains but was stationed at
24 Tadousac at the entrance of the Saguenay River. There
25 came a large ship, passenger ship, a Cunard, as a matter
26 of fact, but I will not mention the name. He was informed
27 that the pilot couldn't go on board at Escoumains due to
28 bad weather. At that time we had the large pilot vessel,
29 the Citadel and he was informed that the Citadel was at
30 Tadousac and he would get his pilot as soon as the weather



1 ENGLISH

2 was abated a little bit. This Cunard proceeded on his
3 way to Cap Bon Desir and Father Point. He called back
4 to the Captain of the Citadel and said -- this is of
5 course hearsay -- if you come out to the lightship, Prince
6 Shoal I will make a lee and then come alongside. By that
7 time the weather prevailing was a very strong nor-easterly
8 wind which meant he would have to point the ship towards
9 Red Island. In no time at all we are positive he would
10 have been on the shore. This is what the Captain of a
11 ship, the Cunard ship was telling the Captain of the Citadel,
12 the pilot boat what he would do. The pilot on board the
13 Citadel took the telephone. I don't think the Captain
14 spoke good English and said please don't do that, wait
15 a little while and we will try and come out later. That
16 man was a regular trader. He wanted to give a lee to the
17 pilot boat north of Red Island with a nor-easterly. This
18 is something of importance. By having compulsory pilotage
19 this man would have said it is compulsory, I will not try
20 to proceed further onwards. He would have stayed down
21 below.

22 COMMISSIONER SMITH: Thank you, Captain.

23

24 FRENCH

25 MR. LALONDE: Q. To answer my previous
26 question, Captain, you have mentioned that your personal
27 opinion was to the effect that the exemptions within your
28 District were already too great, too broad. What is the
29 reason for which you do not ask to restrict even more the
30 present exemptions?



1 FRENCH

2 A. Because the vessels, or rather the
3 small lakers are not in such a great number today and I
4 think they will completely disappear one day and the
5 coastal navigation will get more care by pilots during the
6 winter and the situation is improving steadily insofar as
7 the small coastal vessels are concerned.

8 Q. I note that recommendation four of your
9 brief has to do with docking at Quebec. Paragraph 622
10 reads as follows: "That there be a change of pilot in
11 order to accomplish the docking in the Port of Quebec of
12 all ships mounting the St. Lawrence River and going to
13 a wharf in this Port, and that appropriate pilotage dues
14 be charged in this regard". Paragraph 623 enumerates
15 certain arguments relating to this recommendation.

16
17 ---EXHIBIT NO. 704:

Different Reports of Actuaries
and Correspondence exchanged
between Corporation of Pilots
for the Quebec Harbour and
Below and Captain Jones.

20
21
22
23
24
25
26
27
28
29
30



1 FRENCH

2 Q. Would you have anything to add to the
3 texts of both paragraphs 622 and 623?

4 A. I think that in 1960 we have tackled
5 this question. The Ship Owners' Federation did not seem
6 to find the idea as being very sound. We would have liked
7 to give them further explanations about it, but owing to
8 the fact that they foresaw that those would mean additional
9 costs within our District, well we did not push the question
10 any further. By making our recommendations today, we
11 base ourselves upon the fact that we pilots believe that
12 by studying this question very closely the Ship Owners
13 perhaps not immediately, but over a certain period of
14 time, could certainly make a saving and, moreover, would
15 especially get better service.

16 Mr. Brodie from Ramsey Gregg already gave
17 evidence here before stated, in his evidence, that one
18 day when the stevedores were there, and the ship did not
19 come to berth on time, he lost, I don't know how many
20 hours of work and as the stevedores were at the site, it
21 cost him \$2,000.00 in wages. And we believe that the pilots
22 who would look after the movage of ships could do better
23 work than upriver pilots.

24 Q. So in the long term how come there
25 would be savings for the Ship Owners? How would that
26 saving be done?

27 A. For example here there are some
28 people here representing tug companies and I know that
29 special pilots for the movages in the Quebec Harbour after
30 a certain period of time would certainly be more proficient



1 FRENCH

2 than another pilot who would dock only once in a while
3 so instead of docking once a week, well perhaps we would
4 do it three or four times per day so this pilot would be
5 far more proficient in the technique and would use less
6 tugboats for that reason, and another reason because a
7 pilot who goes upstream does not know in the first place
8 what are the weather conditions in the Quebec Harbour.
9 Oftentimes along mountains, for example, at Cap Maillard,
10 Cap Brule we have struck wind and it's then, a little more
11 upstream, that we are asked how many tugboats do you need
12 for docking? If it's a large ship and a strong wind the
13 pilot may say we need two tugs. So you come here in Quebec.
14 Everything is calm and fifteen miles downstream the wind
15 was strong. The tugboats are there. I don't know if
16 they really assist, but at any rate we have to take the
17 tugboats so this is one matter.

18 The second one would be that here we dock
19 ships day in and day out and oftentimes we do not know
20 what are the conditions in the Harbour. We don't know if
21 there are other tied in ships, and we don't know if we
22 have a lot of space for the manoeuvring for the docking
23 or if we have just the right amount of space in order to
24 dock the ship at the berth.

25 Another point that we must consider would be
26 the following: A pilot who would be here constantly in
27 the harbour would be aware of the different conditions;
28 would know that all the berths at the St. Charles River are
29 free, so he could go there and berth the ship, if it is
30 a large ship and would have the necessary space for the



1 FRENCH

2 manoeuvring. Oftentimes we have to dock and we have only
3 ten feet fore and ten feet aft and naturally the ship
4 master most of the time wants tugboats.

5 We believe here that for agents of ship owners,
6 well that these companies would make some savings as
7 regards the stevedores because oftentimes the stevedores
8 just wait on the berth, waiting, doing nothing.

9 I would also like to say that at the present
10 time there are many pilots -- we talked beforehand about
11 a list of pilots who do the docking. From the money point
12 of view this is not very profitable for those who do the
13 docking at the present time because, in the first place,
14 the cost to dock a ship in Quebec is an average of \$20.00.
15 If for example, I am called at home in order to dock a
16 ship which is here, in transit in the Harbour, so to leave
17 home, go to the pilot's office it would charge me about
18 \$3.50. Oftentimes \$2.50 but most of the time it's \$3.00
19 or \$3.50. Then I had to go on board the ship, do the
20 manoeuvring, then go to berth and then go back to the
21 pilot's office which cost again \$1.00, and then go back
22 home so due to the fact that you have ten per cent which
23 is assessed for the pension fund, the income tax and the
24 expenditures that I mentioned, the pilots have nothing
25 left and if he has a few dollars left, that is very good
26 so it means that here, if these dockings are done that is
27 in order to give good service to the vessels and not to
28 receive good remuneration, good pay.

29 THE CHAIRMAN: Are you going to change the
30 subject counsel?



1 FRENCH

2 MR. LALONDE: Well I have other questions with
3 regard to the other recommendations. I can perhaps do
4 them after we have adjourned.

5 THE CHAIRMAN: Well we will then adjourn until
6 2:30 this afternoon.

7
8 ---UPON RESUMING AT 2:30 p.m.

9
10 DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

11 Q. Captain Rousseau when we adjourned we
12 were examining recommendation number 4 concerning docking
13 at Quebec. Have you anything to add concerning this
14 recommendation?

15 A. No.

16 Q. Let's go now to recommendation number
17 5, number of pilots of the District of Quebec be increased
18 by at least 4. Paragraph 625 contains a few comments on
19 it. Have you any comments yourself on this recommendation?

20 A. Well there is one pilot who would not
21 have worked for quite a number of times and has not got
22 his licence any more. He has been replaced recently.
23 This should say only 3 pilots now instead of 4.

24 Q. Well then recommendation number 5
25 should be amended to reduce the number of pilots which
26 is requested so that there is only three pilots which
27 will be requested since we have admitted a new pilot in
28 replacement of an absent pilot. I am now showing you in
29 a bundle photocopies of a table and correspondence between
30 the Pilotage Authority and the Corporation of Lower St.



1 FRENCH

2 Lawrence Pilots dated 29th December 1962 to 10th July 1963
3 relating to this question of increase of the number of
4 pilots in your District. Could you tell the Commission
5 whether this correspondence is the one which was exchanged
6 between your group and the Pilotage Authority?

7 A. Yes.

8 Q. Could you tell the Commission how you
9 came to this recommendation for an increase in the number
10 of pilots by 4 and now by only 3. Were there Committees
11 established on this subject?

12 A. Yes. We have a Committee which deals
13 with, as I explained, the whole system of apprenticeship
14 and the candidate apprentice. This Committee is called
15 Committee for promotion and admission. Last Fall this
16 Committee studied the question of the number of pilots and
17 reported to the Board of Directors, and, in addition, we
18 have members of the Board of Examiners which is composed
19 of two representatives of the D.O.T. and three pilots of
20 each Committee. These two D.O.T. representatives were
21 Captain Allard, who was Superintendent of Pilots in Quebec,
22 and the other one was Captain Catinus, who was the
23 Regional Supervisor of pilots in Montreal.

24 The Board of Examiners, of course, has no
25 authority to act on the question of the number of pilots
26 but these people still discussed this matter with us.
27 They knew all the problems. They were fully aware of the
28 situation since they were attached to our District and
29 they made themselves some recommendations to the Central
30 Pilotage Authority concerning the number of pilots.



1 FRENCH

2 Q. Were you present at this meeting of
3 the Commission when Captain Catinus , the Regional
4 Superintendent of Pilotage of St. Lawrence stated that
5 he was in favour of your request for an increase in the
6 number of pilots?

7 A. Yes.

8 Q. Were you present in this Commission
9 when Captain Allard, previously Local Supervisor of Pilots,
10 declared in the Commission that he was in favour of this
11 increase in number of pilots?

12 A. Yes. But we have written to the
13 Supervisor, local Supervisor to present this request for
14 the pilots. We wrote the local Supervisor himself because
15 Captain Allard, for quite some time, had asked us instead
16 of writing to Ottawa to kindly go through the channels
17 of the D.O.T. so we sent this request to Captain Allard.
18 Captain Allard told us that he had sent our request to
19 Captain Catinus . Captain Catinus, I think also replied
20 that he had transmitted our request to a higher eschelon
21 and up until the winter months we had no reply, and I
22 went myself to Ottawa and I informed Captain Allard that
23 I was going to go up to the source of authority in order
24 to see what could be done on that subject since we had
25 had no reply to our letter of 29th December.

26 Q. Which year?

27 A. 1962. Now I went with the Chairman
28 of the Committee on Promotion and Admission and we met
29 Mr. Alan Cumyn, as well as Captain Jones. We discussed at
30 length this question and later he sent us a cable asking



1 FRENCH

2 us to please give some explanations on the reasons for
3 which we need these pilots.

4 We then came in the office and wrote a three
5 page letter explaining the reasons for our request to
6 follow up this letter that we had written to Alan Cumyn
7 of 22nd April 1963.

8 We received a reply to this letter which
9 was addressed to me, written by the Minister of Transport,
10 Mr. George J. MacIlraith.

11 Q. What did the Minister say?

12 A. Well he said, among other things, that
13 the situation had been studied further and that it seemed
14 now that absenteeism could be reduced to a great extent
15 because of the reasons which motivated it, and he gives
16 some examples, extracts from our files and then outlined
17 the various cases which were drawn to your attention in
18 1962. Then there was Mr. X, pilot who had not worked for
19 almost four years in our District because of serious
20 automobile accident. He explained, therefore, the case
21 of Mr. X and said this: "The health of this person does
22 not allow him to resume work after the three years of
23 leave during which he had made a trip in 1961 and we
24 think that he should have retired."

25 Since that time this person has retired and
26 we pay for the pension of that person.

27 Number 3, for instance, also in case number 3
28 Mr. X was absent 120 days in 1962. No satisfactory
29 explanation has been given to motivate or justify this
30 leave. Then I would explain that this person has lost



1 FRENCH

2 his licence due to action of the Pilotage Authority and
3 then they come and tell us why this man would work. I
4 can give all kinds of explanations.

5 Q. It is very interesting to have explana-
6 tions.

7 A. Well let's take number 4. This
8 gentleman was absent 60 days. No satisfactory explanation
9 was given to motivate this absence. As well as I had
10 explained in the previous letter this gentleman had had
11 an accident, had a leg broken in three places and was
12 hospitalized for a long period of time. I had explained
13 that in the previous period.

14 Q. What was the date of your letter?

15 A. Well I think -- letter dated 10th July
16 1963 -- or 10th June 1963. May I proceed Your Lordship?
17 Well, therefore, as regards this pilot number 4, I gave
18 explanations to the Minister MacIlraith on 10th July 1963
19 and I had mentioned in my previous letter---

20 Q. What is your previous letter?

21 A. Well it's 22nd April 1963 when Mr.
22 Cumyn asked for explanations. Without giving the name of
23 anybody, I said, for instance, on page 2, I was giving
24 some explanations like this -- it is English:

25 ENGLISH

26 "Again last year we have had, during the navigation season
27 these pilots hospitalized and operated on for various
28 sicknesses. This represents approximately 1% of absenteeism."

29 FRENCH

30 Mr. Cumyn was asking me to give some percentages on the



1 FRENCH

2 absenteeism and it was as I was explaining.

3 ENGLISH

4 "This takes into account pilots who have requested to be
5 off the list for short periods due to minor illnesses,
6 sickness in the family, death, etcetera. This represents
7 approximately 1% of absenteeism."

8 FRENCH

9 And then I went further saying:

ENGLISH

10 "You may recall during the 1959 season, when we were still
11 operating from Father Point the St. Lawrence Seaway was
12 inaugurated, thus bringing in an unusual increase in
13 traffic. Our members were called upon to make strenuous
14 efforts in order to maintain the traffic movement and
15 render good service to shipping."

16 FRENCH

17 Q. Would you have other comments concerning
18 the letter from the Minister dated the 10th June 1963 on
19 these cases mentioned by him?

20 A. Well the pilot in question had an
21 accident, a fracture.

22 Q. Pilot number 4?

23 A. Yes, and he was hospitalized. Had to
24 walk with crutches for the whole winter and could not
25 resume until the spring.

26 Q. To your knowledge was the Pilotage
27 Authority in possession of medical certificates, appropriate
28 certificate?

29 A. Yes, I believe so. Here Mr. X, the
30 case number 5 says he has been on leave 84 days in 1962.



1 FRENCH

2 No satisfactory explanation was given to justify this
3 leave. Well I think this gentleman is not lazy. He
4 follows the assignment list but he took the liberty of
5 getting ill for quite a period and he was hospitalized for
6 a long period. This one claims he was not allowed to be --
7 entitled to be ill and this goes on for other cases.

8 Q. Did you reply to the letter from the
9 Minister?

10 A. Yes, I replied 10th July 1963 providing
11 all the information available and at this date I still have
12 not received any reply to the letter but we are still
13 waiting for a reply.

14 Q. Pilot number 1 which is mentioned in
15 the letter of 10th June 1963, where they refer to the
16 pilot who was absent for almost three years, had you
17 talked about this pilot during your first interview with
18 the Minister in Ottawa before the letter of 10th June
19 1963, and particularly the first time you met Mr. Cumyn
20 and Captain Jones in Ottawa?

21 A. Yes. Well we talked about this gentle-
22 man and to my great surprise nobody knew in Central Office
23 in Ottawa that this gentleman was not doing any pilotage
24 any more for the last three years and they were surprised
25 not to be aware that this gentleman was not piloting. It
26 was lack of information somewhere.

27 Q. Had this pilot produced a medical
28 certificate?

29 A. Well I presume he has produced such a
30 certificate in the local office. The Supervisor must



1 FRENCH

2 have required such certificate.

3 Q. Well I would like to file this exchange
4 of correspondence, cable 7th April 1963 between the
5 Authority of Pilotage and the Corporation of Lower St.
6 Lawrence Pilots concerning the increase in the number of
7 pilots for the District.

8
9 ---EXHIBIT NO. 705: Exchange of correspondence between
10 Pilotage Authority and the Corporation
11 of Lower St. Lawrence Pilots concern-
12 ing the increase in the number of
13 pilots in the district.

14 Q. Going now to recommendation number 6,
15 concerning the limits of tariff, paragraph 626 reads as
16 follows: "That the present requirement of 15,000 net tons
17 in pilotage dues for tonnage purposes be removed." 627
18 gives some comments on this recommendation. Have you any
19 other observations or personal comments to add to what is
20 in the memorandum?

21 A. This increase for us, from a financial
22 point of view is not worth very much. It does not represent
23 an increase but mostly a question of principle. I would
24 say that a vessel which is bigger than another one should
25 certainly be charged a higher tariff than the small vessel,
26 which has a smaller earning power.

27 Q. Do you have many big ships of this kind
28 in the District?

29 A. Very few.

30 Q. Would you have an approximate idea of
what would be the number of such vessels during the last



1 FRENCH

2 season or the present season?

3 A. I think this season we have had one
4 vessel which was a little bit bigger than the other. It
5 was an Italian vessel which had a tonnage of 16,544 tons.

6 Q. How about last year?

7 A. I don't think so. Perhaps there were.



1 ENGLISH

2 COMMISSIONER SMITH: Could I have a minute,
3 Mr. Lalonde?

4 MR. LALONDE: By all means, Commissioner Smith.

5 COMMISSIONER SMITH: Captain, I asked you some
6 questions before the adjournment and I forgot one. It
7 was with regard to the compulsory pilotage, not the payment
8 of dues, but compulsory pilotage itself. What I forgot
9 to ask was if your Corporation has in the past made any
10 recommendations to the Pilotage Authority to have the
11 Statute changed to cover compulsory pilotage?

12 THE WITNESS: I don't believe we did, Mr.
13 Commissioner. I don't believe we asked for compulsory
14 pilotage.

15 THE CHAIRMAN: You did so now with the others?

16 THE WITNESS: That is correct.

17 FRENCH

18 MR. LALONDE: Q. In the brief which is not
19 yet submitted to the Commission, the briefs of the
20 Canadian Shipping Federation we find at page 36 the
21 following statement, page 36 of the French text: "The
22 Shipping Federation themselves think it is justified to think
23 out of the earnings of the pilots certain strike funds
24 have been established". To your knowledge within your
25 District, at any rate since you have been a member of
26 the Board, have directly or indirectly strike funds been
27 established?

28 A. No, never. Mr. Menard submitted our
29 balance sheet for the last five years and as you were
30 able to note every fortnight we keep practically no money
on hand and for administration purposes for the winter



1 FRENCH

2 months I think that last year we kept a little bit more,
3 over \$9,000.00. My answer to your question is no.

4 Q. A little further on on page 35(a), I
5 suppose it is, still in the French text, and in the English
6 text on page 29, in the English text it is stated as
7 follows:

8 ENGLISH

9 "It is not difficult to appreciate the power thus vested
10 by reason of these arrangements in the Board of Administra-
11 tion or Governing Committees of the Corporation and the
12 Board of Administration of the Federation of the St.
13 Lawrence River Pilots over the rank and file of the
14 membership let alone the ~~coercive~~ influence that can be
15 exercised by the majority over a dissenting minority within
16 the District Corporation themselves or even over the small
17 group of those who may have wished to remain outside of
18 the Corporation."

19 FRENCH

20 To your knowledge does your group ever have
21 what is called in English ~~coercive~~ influence upon the
22 dissident minority?

23 A. No, to the contrary. I always tried
24 and I always asked the members never to have bad words
25 towards their colleagues who didn't belong to the Corpora-
26 tion. You must note that if two-thirds of the pilots
27 wanted to abolish the Association we would certainly have
28 the power to do so, but we didn't do so.

29 MR. LALONDE: Thank you.

30



1 ENGLISH

2 CROSS-EXAMINATION BY MR. MASON:

3 Q. Captain Rousseau, perhaps it is because
4 I am not from this part of the world that I can't quite
5 understand how 77 people need all these different organiza-
6 tions to manage their affairs, as it were, and I am wonder-
7 ing if you will permit me a few questions on this point.
8 How old were you when you first became an apprentice pilot?

9 A. I was in 1946, now let us see.

10 Q. 26, 27?

11 A. I was older than that. 33 or 32.

12 Q. 32. At that time how much money would
13 you be making as apprentice pilot? How much would the
14 average apprentice pilot make at that stage in his career?

15 A. They didn't make very much. The ship
16 owners were good enough to pay part of the expenses to the
17 apprentice pilot, that was at that time \$6.00. Of course
18 there were quite a few companies that didn't feel or didn't
19 want to pay that \$ 6.00. They might have been outside the
20 Shipping Federation Organization. I hope they were, but
21 we got \$6.00.

22 THE CHAIRMAN: Mr. Brisset said they were
23 outside.

24 THE WITNESS: Thank you, sir.

25 MR. MASON: Q. Possibly you didn't understand
26 my question. Your age, I was asking when you were an
27 apprentice?

28 A. I served my apprentice later -- at the
29 time the regulations weren't so strict so I might explain
30 I served my apprenticeship during my vacation and sailed



1 ENGLISH

2 as a master in the meantime, during the other months.

3 Q. You had supplementary income apart?

4 A. I couldn't have lived too much on that
5 \$6.00 a trip, I mean.

6 Q. At this time did you belong to any
7 Association or organization?

8 A. I have been a member of the Canadian
9 Merchant Service Guild, yes.

10 Q. But as far as your pilotage career is
11 concerned you didn't belong to any other pilotage organiza-
12 tion?

13 A. No, sir.

14 Q. Now, I gather you became an assignment
15 pilot in 1952?

16 A. That is correct.

17 Q. How long were you an assignment pilot?
18 How many years before you became a special pilot?

19 A. Oh well, I would have to go back in
20 the records, a couple of years, perhaps.

21 Q. A couple of years?

22 A. Yes.

23 Q. I wonder if you would give me some
24 idea of what the average annual earnings of an assignment
25 pilot would be at that time?

26 A. Special pilot?

27 Q. No, assignment.

28 MR. LALONDE: Tour de role.

29 THE WITNESS: At that time?

30 Q. Approximately?



1 ENGLISH

2 A. About \$8,500.00 to \$9,000.00.

3 Q. This would cover the period 1952, 1954,

4 I imagine?

5 A. About.

6 Q. Now, while you were an assignment pilot
7 what different pilotage organizations did you belong to?

8 You belonged to the Association?

9 A. Right.

10 Q. Through the Association did you belong
11 to the Merchants Service Guild or did you belong to the
12 Merchants Service apart?

13 A. I belonged to the Merchants Service
14 Guild when I was a ship's officer. As a matter of fact,
15 all the pilots also belonged to the Guild.

16 Q. Now, I imagine that the Association
17 looked after the pooling arrangement?

18 A. Yes, they did.

19 Q. And the Association, and the Corporation,
20 the pension Corporation looked after the pension arrange-
21 ments?

22 A. Correct.

23 Q. What at this time did the Merchants
24 Service Guild provide for them, what service?

25 A. We were affiliated to them. They
26 protected us whenever we had, for instance, a member had
27 the misfortune of having a ship's accident. They protected
28 you.

29 Q. How do you mean they protected you?

30 A. They provided, for instance, for a



1 ENGLISH

2 legal adviser.

3 Q. They provided legal service?

4 A. Yes.

5 Q. At no additional cost to you?

6 A. No.

7 Q. Did they provide any other benefit to
8 you?

9 A. Well, we felt that it was good to
10 belong to a group, to be affiliated to a group, yes, of
11 course.

12 Q. To have a national representation or
13 something?

14 A. Right.

15 Q. Now, can you give me some idea, if you
16 know how much it cost you at that time to belong to these
17 various organizations?

18 A. At that time I think the fee was \$45.00
19 a year.

20 Q. And that covered everything?

21 A. Well, when you say everything -- it
22 didn't cover so much. They didn't do so much for you at
23 that time.

24 Q. Now, today you belong to the Association
25 of Pilots?

26 A. Yes.

27 Q. You belong to the Pension Corporation?

28 A. Correct.

29 Q. You belong to the Corporation of Pilots?

30 A. Correct.



1 ENGLISH

2 Q. You belong to the Federation and you
3 belong to the Merchants Service Guild?

4 A. Yes.

5 Q. What does the Merchants Service Guild
6 do for you today, for instance?

7 A. They look -- they have been following,
8 for instance, this Commission right across the country.

9 Q. Wouldn't your interest be represented
10 before the Commission by the Federation?

11 A. Locally, yes.

12 Q. Across Canada?

13 A. We don't have the means to send our
14 legal adviser right across Canada.

15 Q. Now, you mentioned that you were
16 President of the Association and of the Corporation and
17 of the Pension Corporation, if I may call it that.

18 A. Correct.

19 Q. Now, you mentioned that you received
20 no remuneration as President of the Corporation. Do you
21 receive any remuneration from any of these other organiza-
22 tions?

23 A. None whatsoever, not a penny.

24 Q. You also mentioned that you were a
25 member of the Board of Examiners and you mention also
26 that there were two other pilots on the Board, two repres-
27 entatives of the Department of Transport?

28 A. Yes.

29 Q. Is this governed by some by-law?

30 A. Yes, of course. Of course it is governed



1 ENGLISH

2 by the latest by-law with regards to apprenticeship, yes.

3 Q. This is the by-law then of the Corpora-
4 tion?

5 A. No, of course not, of the Government.

6 Q. Of the District?

7 A. Of the Government.

8 Q. Has there ever been any thought given
9 to having representatives of the Ship Owners on this
10 Board of Examiners?

11 A. The thought wasn't coming from us, but
12 the thought was given to us by the Shipping Federation.

13 Q. Do you see any merit in the idea?

14 A. I don't think so. It has been covered.
15 We have studied it at length and I don't think that even
16 the Shipping Federation are interested now, I am talking
17 for myself, I don't think they are interested now in being
18 on that Board since they have looked at the by-laws and
19 the new organization which we have set up to look after
20 this apprenticeship system.

21 Q. Now, you mentioned that the Corporation
22 was formed in 1960. There were six individuals who
23 declined to become members of the Corporation?

24 A. Well, there were more than that in
25 1960, but through the year some of them asked to join and
26 we took them in. Now there are six pilots which belong
27 to the Association.

28 Q. But not the Corporation?

29 A. Not the Corporation, only six.

30 Q. Would the six pilots be older pilots,



1 ENGLISH

2 pilots who were pilots before the formation of the
3 Corporation?

4 A. Some of them are quite elderly and
5 some are about my age.

6 Q. But none of them would be pilots who
7 became pilots since the formation of the Corporation?

8 A. No, none.

9 Q. Did at any time these pilots give you
10 any reason for not wanting to join the Corporation?

11 A. No, no sir.

12 Q. You never received any reason, in
13 other words?

14 A. No, but we mentioned, I believe I
15 mentioned somewhere that we would be pleased to have them
16 with us to form a complete body. I repeat again here that
17 we have a by-law, we could tomorrow, if we so wished
18 abolish this Association, but as we stated before we don't
19 want to hurt anyone. We don't want any of the members or
20 our confreres to lose this privilege of being associated,
21 so therefore we don't.

22 Q. Have you made any effort personally to
23 find out the reasons they didn't wish to join the Corpora-
24 tion?

25 A. These people received a letter around
26 Christmastime, around that time before the General Meeting,
27 the Annual General Meeting and they didn't choose to come to
28 this meeting, so therefore up to now anyhow, I haven't had
29 time to go and run after these people, of course not.

30 Q. Do you feel that their reason has



1 ENGLISH

2 anything to do with that one particular clause in your
3 by-laws making it an impossibility for someone to resign?

4 A. No sir, I don't think so.

5 Q. Now, you mention also that there was
6 no power within the Corporation itself to have any discipline
7 over the pilots?

8 A. That is correct.

9 Q. Have you ever made a recommendation to
10 the Pilotage Authority that discipline be taken against
11 any pilots?

12 A. I don't think so.

13 Q. I will refer for a minute to Exhibit
14 698, which deals with the tours or turns which are granted
15 to officers of the Corporation and of the Federation for
16 services rendered. Whether or not these figures are
17 accurate, I think your Secretary-Treasurer indicated there
18 might be some of these turns granted in 1963, but adding
19 the turns granted in 1962 I would arrive at a total of
20 85 turns. Now, 85 turns represent 170 days; is that
21 correct?

22 A. 85 turns in the administration, for
23 the whole administration last year.

24 Q. Is the number of turns granted, yes.

25 A. That might be correct. It might be
26 correct.

27 Q. So then, and you can correct me if I
28 am wrong, this represents the service of one of the 77
29 pilots in the District for a period of 170 days. Do you
30 follow me?



1 ENGLISH

2 A. Well, I am a little away from you. I
3 don't see what you are getting at.

4 Q. I will put it to you this way: I am
5 wondering if the Directors of your Corporation have
6 considered employing an individual who is not one of the
7 77 pilots as a manager, let us say, for your Corporation ?

8 A. I think now this is -- I am out of
9 order, but I think this is one of the recommendations as
10 a whole, but I must say, for instance, we have an employee.
11 We have Mr. Menard. Mr. Menard is very competent in
12 doing his work. I don't think that he is competent as
13 far as pilotage matters are concerned, to do that work.

14 Q. I mean, to the ship owners looking at
15 these figures he sees there is 85 turns, and 85 turns at
16 \$130.00 a turn amounts to some \$11,000.00 and he would say,
17 why should I pay \$11,000.00 for services other than
18 pilotage services?

19 A. He is not paying \$11,000.00 for that
20 kind of service because as stated before, and I state
21 again, that a half turn or a half turn that I am getting
22 for being here today, for instance, does not represent
23 a cent as far as the other pilots are concerned. It
24 represents, as far as other pilots are concerned perhaps
25 half an hours work on the whole. As I explained before,
26 during the whole administration it might cost each
27 individual pilot in my District, perhaps, ten or eleven
28 hours of extra work. Do you get what I mean?

29 Q. Do you have a recommendation in the
30 general recommendation that an Administrator or the



1 ENGLISH

2 services of an administrator be retained for this purpose?

3 A. Or the Corporation itself could name
4 a pilot from their group to run the organization. It
5 would be a very hard job, but I think it could be a better
6 job.

7 Q. But this particular person wouldn't
8 be one of the 77 pilots elected in the District?

9 A. Could be, and why not?

10 Q. You mentioned this morning in replying
11 to a question by my friend, Mr. Lalonde, that special
12 meetings had been held recently to deal with problems in
13 the Harbour of Quebec?

14 A. Correct.

15 Q. What problems would these be?

16 A. Different problems. If the Commission
17 would allow me I could read the letter which we had sent
18 to the Harbour people and I could explain it to you, if
19 you wish.

20 Q. Would these be local navigational
21 problems?

22 A. There could be different problems, like
23 for instance, numbering the piers here in Quebec with
24 white lines to establish where is pier 5, because as I
25 understand it now that has not been done and it takes a
26 long time to dock because once you are docking they say
27 go twenty-five feet or thirty feet away from where you docked.
28 If each pier was numbered if they told you to go to pier
29 number 5 or pier number 10 or whatever pier it is I will
30 go to pier 10 and I will dock my ship and therefore we



1 ENGLISH

2 will save time that way, and the ship owners will be
3 saving time also, a little time. The stevedores are
4 standing there doing nothing.

5 The second one would be anchorages. If you
6 notice we have large tankers coming here now and before
7 they can proceed to Quebec they have to lighten up and
8 they do this work right here in front of Quebec City
9 with thousands of people running around the streets, living
10 here and they are doing this kind of work under their very
11 nose, and if an accident happened, well you could say
12 good-bye to Quebec. We recommended that this kind of
13 work be done a little outside where the population is not
14 so dense. That is another thing.

15 Q. These meetings -- are the ship owners'
16 representatives ever invited to these meetings or do you
17 leave ~~this~~ up to the Department to invite them if they see
18 fit?

19 A. What we do in this case, we work in
20 conjunction with the Department of Transport, the local
21 men here, Captain Allard at the time and the maitre de
22 Havre and the Port Director. I am sure if we had
23 thought we would have invited the ship interest, but as
24 you know we didn't talk to one another in a friendly
25 manner for a few years, so we forgot to.

26

27

28

29

30



1 ENGLISH

2 We did not dare, let us say, to write.

3 Q. I refer to Exhibit No. 701 which
4 consists of a number of reports that you as the President
5 of your Corporation received concerning instances in the
6 river. Do you have any personal knowledge of the instances
7 referred to?

8 A. I read them.

9 Q. And when you received a report like this,
10 what did you do with it then?

11 A. I read them. I sent a little letter
12 to the Supervisor of Pilots in Montreal and I sent them a
13 copy of that. What he does with it after, well, I don't
14 know.

15 Q. Have you heard anything back from him?

16 A. Well he acknowledges receipt of my
17 letter and report and says that he is going to do something
18 about it. Yes, we did have a report from McAllister towing
19 people. I think there is a report against the McAllister
20 people that proceeded downwards with a long tow and they
21 were going down the channel, ships were coming up. These
22 people did not employ a pilot and McAllister's tugs and
23 his barges was all over the joint, all over the place
24 making it very bad for the fellows trying to come up but
25 they answered and said that they would attempt to put a
26 little more oil in the lamp, I guess, and give us a little
27 more light.

28 Q. Do you have any idea of the cost to
29 the Department of Transport in administering pilotage in
30 your area?



1 ENGLISH

2 A. That is a hard one. I did see a report
3 about that, yes, I believe.

4 Q. You do not have the precise figure?

5 A. No sir.

6 Q. This question of the effective number of
7 pilots, and the calculation of this number has come up
8 from time to time, and I am wondering whether, until this
9 Commission, you have ever released to the Department any
10 figures of the actual amounts received by the pilots in
11 your District in remuneration?

12 A. We sent them, well we had our early
13 balance sheet and every pilot's salary is there.

14 Q. And the Department have been provided
15 with copies of these balance sheets?

16 A. No, I don't believe -- we sent them
17 the balance sheet of the pension fund.

18 Q. There has been much discussion or
19 mention made of the status of pilots and several pilots
20 have made the statement that they do not wish to be
21 clothed with the status of a Civil Servant. Why is this?

22 A. Because we feel that in this country
23 right now we have enough Civil Servants to start with.

24 Q. And what status -- we will waive the
25 rest of your answer -- what status do you feel a pilot
26 has?

27 A. The pilot, is, to my knowledge, and
28 to my belief, is a professional man, well organized, I
29 think, or getting to be well organized who renders service
30 to people that are in business and also to their country



1 ENGLISH

2 for certain remuneration.

3 COMMISSIONER SMITH: And they are self employed.

4 THE WITNESS: We are, sir, self employed and
5 I believe the answer to your question about being no
6 Civil Servants, that it would be the worst thing that
7 could happen to the Pilotage and to the Service themselves,
8 and of course, the users of the Service who are the ship
9 owners, they would suffer and I think they would suffer
10 an awful lot.

11 Q. Now inasmuch as these services, as you
12 have indicated, are in the National interest, do you think
13 a pilot is discharging his responsibility as a professional
14 man when he considers the right to stop work or the right
15 to strike?

16 A. Well sir I think in 1960 there was a
17 law, I think an awful lot of people heard about this law,
18 Bill of Rights and I think that we also are in this category
19 of people that have our rights.

20 Q. Thank you.

21 THE CHAIRMAN: I am going to put my own
22 questions, and then we will adjourn. One question was a
23 remark was made to the effect why is it that you have so
24 many organizations down here for pilotage. I was just
25 going to wait. I put to myself some questions, and so
26 did the other Commissioners but I was just wondering
27 whether this wasn't on account of the inheritance of your
28 past here in Quebec. I know that the Quebec District is
29 the oldest organization in pilotage in the country over
30 the years, the oldest Corporation and with all the changes,



1 ENGLISH

2 powers have been given to the Corporation, taken away from
3 them, and so on, so therefore you have old structures, and
4 of course you are taken with what is left. Isn't that
5 the picture also?

6 THE WITNESS: Well sir I think you are correct
7 there. We asked our local adviser, Mr. Honourable Paul
8 Jean Lajoie to study the status of the law with regard
9 to our pension fund. This old law of 1860, and I think
10 our learned friend Mr. Lalonde also studied the matter, and
11 it would cost an awful lot of money to try to bring this
12 old law of 1860 up to date, and perhaps to abolish this
13 old Corporation and old things, of course, might be nice
14 and we do not want to get rid of it so we just live with
15 it.

16 THE CHAIRMAN: Thank you. Now we will adjourn
17 for a few minutes.

18
19 ---Following short recess.

20
21 MR. JACQUES: I would like to make a statement
22 in order that the record is quite clear. Mr. Mason, in
23 his cross-examination of Captain Rousseau, referred to
24 the list of tours which had been given to the various
25 Directors of the Corporation for ~~their~~ work as Directors
26 and I believe you referred to Exhibit 698. Actually ~~my~~
27 lord this is Exhibit 654 and not Exhibit 698.

28 I have now been supplied by Mr. Menard, the
29 Secretary of the Corporation with his Statement of Turns
30 given to the Directors. That explains why it does not



1 ENGLISH

2 agree with the list supplied by Mr. Maheux, the Local
3 Supervisor. They will be in a bundle. They will be
4 together My Lord, as Exhibit 654.

5 THE CHAIRMAN: That is right, the same number.

6 FRENCH THE WITNESS: I referred earlier to the
7 question of Mr. Mason concerning the age I had when I
8 was an apprentice.

9 ENGLISH I was 26 years old sir when I was an apprentice
10 pilot and I had received my licence when I was 32 years
11 old.

12 FRENCH THE CHAIRMAN: This is put in French, you
13 may perhaps put it in French, put the transcript in French.

14 ENGLISH Mr. LALONDE: My Lord, also on the point of
15 explanation, did I understand my friend, Mr. Mason,
16 correctly when he said that he had 95 turns for 1962?

17 MR. MASON: 85.

18 MR. LALONDE: All right, thank you.

19

20 CROSS-EXAMINATION BY MR. BRISSET:

21 Q. Captain Rousseau I have noticed that
22 you are perfectly fluent in English and I thought I would
23 cross-examine you in English if it was all right with you
24 or would you prefer it to be in French?

25 A. If it please the Commission.

26 THE CHAIRMAN: As you wish.

27 ENGLISH

28 Q. Captain Rousseau, you have described
29 the pilot, in answer to my learned friend's question, as
30 a professional man. That is right?



1 ENGLISH:

2 A. Correct, yes.

3 Q. Would you agree that, as such, and in
4 view of his function, the nature of such functions, he is
5 also very important in the National economy? His role
6 is very important in the National economy?

7 A. If you wish.

8 Q. Now, therefore, do you not place the
9 pilot on a higher status than what I might call labour,
10 like longshoremen?

11 A. Surely.

12 Q. In spite of that Captain Rousseau you
13 claim, if I understand your evidence properly, the right
14 to strike for the pilots?

15 A. I mentioned the Bill of Rights which gives
16 a man the right -- in a free country the right to do what
17 he believes is right.

18 Q. In other words, you claim the right to
19 strike under the Bill of Rights? Am I putting it properly?

20 A. Would you repeat your question?

21 Q. Am I saying it properly when I say
22 that for the pilots you claim the right to strike invoking
23 the Bill of Rights?

24 A. The right of holding General Meetings,
25 yes.

26 Q. Are you aware that General Meetings of
27 this kind in labour circles are called prayer meetings?

28 A. No sir.

29 Q. Now it is not because your meetings
30 are prayer meetings that I have noticed the beginning of



1 ENGLISH

2 each meeting you were saying a prayer according to the
3 minutes that have been filed?

4 A. We do, in the Province of Quebec, say
5 a prayer before we hold our meetings. But I do not believe,
6 when you talk about prayer meetings, any meetings such as
7 Hoffa might hold, might be the same kind of prayer meetings.

8 Q. Let's go back to the situation of
9 labour, Captain Rousseau. You are aware that before
10 striking, normally, labour must go through certain steps,
11 like conciliation and arbitration under the various laws
12 of the country. Are you aware of this?

13 A. Yes.

14 Q. Do you consider that since pilots in
15 your opinion, have the right to strike, that they should
16 go through the same processes of conciliation and arbitra-
17 tion?

18 MR. LALONDE: Point of order, My Lord. I
19 took what I thought was the proper step in meeting with
20 my learned friend, explaining previously what witnesses
21 I would consider calling, what type of evidence adduced
22 from those witnesses, and I thought we had agreed that
23 here in Quebec we would examine all the witnesses on the
24 facts concerning this particular district and area and
25 specific recommendations concerning this local place and
26 that the question of general recommendations and general
27 policy would be discussed in Montreal with the witnesses
28 brought by the Federation.

29 I may have been wrong but I understood my
30 learned friend to agree to this policy. The



1 ENGLISH

2 present line of questioning goes into strictly a line of
3 general policy as to whether it would be advantageous or
4 not, and good policy or not that river pilots be granted
5 the right to strike by law, or that they be prohibited by
6 law to strike.

7 I have no objection to my learned friend
8 carrying on this line of questioning, if he wishes so,
9 but the only conclusion I would draw from this: It is
10 not much use in meeting with counsel and trying to establish
11 a procedure or a policy of questioning and I would conduct
12 myself accordingly in the future.

13 MR. BRISSET: Well my Lord I am getting very
14 close to the end of this subject. If I could get an
15 answer to the last question and one more, I will promise
16 that I will abandon the subject.

17 THE CHAIRMAN: That is all right.

18 MR. BRISSET: Will you read the question?

19 REPORTER: Do you consider that since pilots
20 in your opinion, have the right to strike, that they should
21 go through the same processes of conciliation and arbitra-
22 tion?

23 THE WITNESS: What processes?

24 Q. Of conciliation and arbitration, just
25 as labour themselves?

26 A. With whom?

27 Q. With the parties interested with whom
28 the pilots might be in dispute?

29 A. The Authority, as far as we are
30 concerned, were the officials of the Department of Transport.



1 ENGLISH

2 We were in touch with them continuously.

3 Q. Am I to understand that you mean by
4 this that there was conciliation, in your opinion, into
5 the last stoppage of work? Is that what you mean? I am
6 not too sure of what you mean?

7 A. No, but what I mean was we were in
8 contact with the officials of the Department of Transport
9 at all times.

10 Q. One more and last question on this
11 subject Captain Rousseau: Did you consider at the time
12 of the stoppage of work, which I will call a strike, in
13 1962 you had the right to strike under the Bill of Rights
14 in spite of the fact that the Shipping Laws of Canada
15 forbid strike action by pilots?

16 MR. LALONDE: Where?

17 MR. BRISSET: Anywhere.

18 MR. LALONDE: Since you are quoting the
19 Shipping Act, I would appreciate my friend, since my
20 friend is raising a legal question, I would appreciate
21 him to state the section.

22 Q. Let me put it this way: Are you
23 aware that under the Shipping Act and under the By-Laws
24 of the District of Quebec, and I will limit myself to
25 this, the pilot is not entitled to refuse to board a ship
26 when he is asked to pilot a ship? Are you aware of this?

27 A. We were.

28 Q. My question, therefore, is in spite of
29 those provisions in the law, and in the By-laws, do you
30 still consider that pilots have the right to strike?



1 ENGLISH

2 A. In this particular case, yes.

3 Q. Now Captain I would like to review
4 the recommendations contained in the brief of the Federa-
5 tion relating to your description of the District, in
6 particular, and I will limit myself to reviewing those
7 with which we take issue, and I draw your attention first
8 to recommendation number 2 and add right away that we do
9 not take issue with it, but I would like the recommendation
10 to be amplified, if you would agree. This recommendation
11 reads: "That a restricted navigation zone of embarkation
12 and debarkation be established to encompass a radius of
13 two miles from Anse aux Basques." Keeping this in mind,
14 would you be prepared to go further and recommend that
15 this particular area be marked on the chart available to
16 navigators for their guidance?

17 A. I would not go against that. I don't
18 think we will. I have seen these restricted areas marked
19 on charts in different parts of the world.

20 Q. Now I pass on to recommendation number
21 3: "That no other exemption from compulsory payment of
22 pilotage dues be granted." On this score you are asked
23 for your views on the advisability of making pilotage
24 compulsory rather than simply the dues. You will recall
25 this?

26 A. I do.

27 Q. In your brief, or in the brief of the
28 Federation, this present system is called illogical and --
29 I forget the word -- an illogical system, to say the least.
30 Now are you aware of the fact that the same system exists



1 ENGLISH

2 in most of the countries of the Commonwealth and in some
3 pilotage districts of the United States and other parts of
4 the world?

5 A. I did not study the matter, no.

6 Q. You did not?

7 A. No.

8 Q. If I were to tell you that it does
9 exist, would you agree that the expression used that this
10 system is entirely illogical, is perhaps a bit too harsh?
11 In other words, why do you say it is illogical?

12 A. Because I think that the compulsory
13 pilotage would be more logical than the system that we
14 have now.

15 Q. Now would you agree Captain that if
16 you acquire rights you must also accept the obligations
17 that go with them? Do you agree with this statement?

18 A. I do.

19 Q. Would you agree then that if pilotage
20 were made compulsory rather than the payment of the dues,
21 the pilots who would benefit from this system should
22 accept also the responsibility for the accidents that
23 might be caused by their negligence?

24 A. I think -- I did not go into this
25 matter, but I think that I believe -- yes. I will answer
26 yes to that.

27 Q. Assuming this, would you agree that it
28 would be wise, under such a system, for the pilot to
29 insure his liability in order not to have to face claims
30 for perhaps millions of dollars?



1 ENGLISH

2 A. Yes.

3 Q. Have you ever, in your study of this
4 matter before the recommendations were made, tried to
5 determine how much it would cost a pilot to insure himself
6 in the market?

7 A. I did not sir. I did not have the
8 time.

9 Q. Would you at least know enough about
10 the subject to concede that it would be rather costly?

11 A. As I said before, I don't know sir.

12 Q. However, you would agree that it would
13 cost something?

14 A. Sure would.

15 Q. Now assuming this---

16 MR. LALONDE: My lord, my friend was kind
17 enough to let me carry my own examination without
18 interruption, and I am grateful to him for that. He has
19 been very patient with me up to now. There again the
20 question of liability of pilots begs the subject of a
21 general recommendation, and this is general recommendation
22 number 18 and there will be competent witnesses who will
23 have made the proper studies in that respect, and there
24 again it's a problem of deciding which policy we are
25 going to carry in examination in chief and cross-examina-
26 tion.

27 It is quite obvious that if my friend wished
28 to examine the witness on all the general recommendations,
29 as well as specific recommendations, through the Corpora-
30 tion, as well as the Federation itself, it will mean that



1 ENGLISH

2 myself, in direct examination will cover the general
3 recommendations and I am sure we will still be sitting by
4 the centennial of Confederation. I have no objection
5 myself, but my clients, I understand, do very strongly
6 object to that. It's just a matter of procedure, or
7 policy and I would like my friend to indicate what he
8 prefers in that connection.

9 MR. BRISSET: Again, My Lord, I am reaching
10 the end of this subject. If I may be permitted to
11 continue.

12 On the basis that insurance for the liability
13 of pilots would cost something, you will agree, won't you
14 Captain Rousseau, that the administration expenses of your
15 Corporation, if it is arranged through the Corporation,
16 would increase?

17 A. To what amount, I don't know. It might
18 be little. I don't know. As I said, I did not study the
19 matter.

20 Q. You will also concede to me that with
21 such increase, you would want, or the pilots would also
22 want to increase the pilotage dues to pass on this
23 additional cost to the ship owners?

24 A. As I said previously I don't know the
25 amount so therefore I can't answer you.

26 Q. Now would you concede that in certain
27 cases, perhaps not in your district, according to the
28 evidence before this Court that at times pilots are not
29 available?

30



1 ENGLISH

2 A. You mean no pilots at all are available?

3 Q. Yes. Have you studied this question
4 on the Great Lakes, for instance? Are you aware or has
5 it come to your knowledge in certain districts at times
6 pilots are not available?

7 A. I will answer for my district, no,
8 there is always pilots available twelve months of the year.

9 Q. In other words you don't foresee in
10 your district any difficulty in this regard, and speaking
11 of course of availability of pilots if pilotage was made
12 compulsory?

13 A. Well, as it was said here before the
14 pilots in my district are supposed to have ten hours rest,
15 but many times we are called upon to forgo these ten hours
16 and we just went back to work so as to see the traffic
17 would run smoothly.

18 Q. If the pilots refused to work as
19 happened in April, 1962 and you have compulsory pilotage
20 what do you foresee will be the result? Ships will have
21 to wait until the strike is over or will they be permitted
22 or should they be permitted in that case to proceed with-
23 out pilots?

24 A. Well, sir, I think you are kind of
25 crossing the bridge before we get to that bridge. I
26 think so. It is very hard for me to answer that question.

27 Q. My lord, I would like to deposit at
28 this stage, subject to proof later on, a list of the
29 ships which visited the Quebec District in the stoppage
30 of work in April, 1962, without pilots. This will be



1 ENGLISH

2 Exhibit 706.

3 MR. LALONDE: Before producing this Exhibit
4 can my friend testify himself to the fact that there were
5 no pilots on board in the sense of no licenced pilots or
6 no other person, although not a licenced pilot but who
7 would have had experience in the District and wouldn't
8 be a member of the crew aboard that particular ship?

9 MR. BRISSET: My lord, I am not in a position
10 at the moment to give this information.

11 THE CHAIRMAN: Are you going to be able to
12 bring somebody who is going to establish where it was
13 found and answer this question?

14 MR. BRISSET: This comes from the records of
15 the Pilotage Office here in Quebec and perhaps the
16 Superintendent will be able to give this information.

17 MR. JACQUES: Mr. Maheux will be here
18 tomorrow morning to give evidence on this document which
19 is now filed as Exhibit 706.

20 MR. LALONDE: I would therefore request that
21 the list be called list of ships which transited the
22 Quebec District between such and such a date and not as
23 it is on here, ships outward bound without pilots. That
24 is not established.

25 THE CHAIRMAN: We will do it that way until
26 we hear Mr. Maheux's testimony and then find a right title.

27
28 ---EXHIBIT NO. 706: List of ships which
29 transitted Quebec District
30 during work stoppage.



1 ENGLISH

2 Q. Captain Rousseau, I would ask you to
3 look at this list, and I am sure that you will recognize
4 a number of vessels that are well known to you, and
5 confirm to me that there were altogether 40 ships
6 transited the District without a pilot, a licenced pilot
7 during the period in question?

8 A. I see.

9 Q. You agree?

10 A. Well, I don't agree. I don't know
11 that list. I wasn't here in Quebec. I wasn't on the
12 pier neither to check if the ships had come up. I see
13 all this and I see yes, you have a list of ships here,
14 yes, sir.

15 Q. You will agree with me that at the
16 time these ships transited the District the buoys weren't
17 yet in place?

18 A. The summer buoys, no sir.

19 Q. Therefore this was during what you
20 call the winter season when two pilots for security or
21 safety purposes are required on board?

22 A. No, sir.

23 Q. Do you agree?

24 A. I don't agree.

25 Q. You don't agree?

26 A. No.

27 Q. In what way?

28 A. Pardon me?

29 Q. In what way?

30 A. Because after the 8th of April there



1 ENGLISH

2 is only one pilot that goes on board a ship and before --
3 on your list here you have the first two ships with no
4 dates -- excuse me -- you have four ships April 6th to
5 8th, and after that it is the 9th and 10th, which fall
6 in the period of summer navigation.

7 Q. I see.

8 A. Excuse me. There is one on the other
9 side. There is three more.

10 Q. However, my information is at that
11 time the buoys, the summer buoys had not been installed?
12 Are you, at least, in a position to confirm this?

13 A. Well, I don't think they were. If
14 you want a precise answer I could find out and answer you
15 tomorrow, find out.

16 Q. Now, will you look at the list of the
17 ships and also confirm to me you are familiar with these
18 vessels, with the majority of them, if not all were ocean
19 vessels?

20 A. Not all of them.

21 Q. I said the majority?

22 A. Oh, excuse me, yes.

23 Q. You agree with it?

24 A. I do.

25 Q. Are you aware or not aware it must be
26 assumed that the masters on some of these ships had never
27 been in your District before?

28 A. Very hard to say, sir.

29 Q. Very hard for you?

30 A. By a glance it would surprise me if



1 ENGLISH

2 some masters hadn't been before.

3 Q. Is it possible that some ships listed
4 there hadn't been here before?

5 A. Hardly possible by glancing at your
6 list.

7 Q. Looking at the list from the point of
8 view of tonnage, would you agree with me some of those
9 ships were large vessels and I refer, for instance, to
10 the fourth one, the Ryndam which is a relatively large
11 passenger vessel, 9,000 tons, and the Homeric, the last
12 one on the list. The Homeric, the last one on page 2
13 is also a large passenger vessel?

14 A. Yes, sir.

15 Q. Now, I think in supporting your argument
16 that there should be compulsory pilotage in your District
17 you evoked safety of navigation as your main argument,
18 am I right?

19 A. Yes, sir.

20 Q. Would the fact that these 40 vessels
21 at the time when there were no buoys in the channel were
22 able to navigate through from Les Escoumains to Quebec
23 without a pilot shake your confidence for your statement
24 somewhat?

25 A. Sir, I wasn't here at the time, but
26 this is hearsay -- some of these ships that you have here
27 took quite a while to get up as far as Quebec, and I know
28 for one, that it did quite a bit of damage.

29 Q. I would like to interrupt you here,
30 which one?



1 ENGLISH

2 A. The Consuelo on the Quebec Harbour, sir.

3 Q. Yes, any others?

4 A. Well, there was -- of course not --

5 there was another one, I don't know the name, but

6 according to the pilot that went on board after, she went

7 aground twice coming up the north . Of course it

8 is hearsay. Of course, I can't say any more.

9 Q. Which one is that?

10 A. I just said this I couldn't tell you.

11 I can find out for you. Of course, there is also one that

12 is not mentioned here -- I am sorry, it is not my District.

13 I wanted to mention the Eskimo, but it is not in my

14 District.

15 Q. Yes, I would like you to restrict your-
16 self to your own District.

17 A. Thank you.

18 Q. Were you here when Captain Doussault
19 gave evidence?

20 A. I was, sir.

21 Q. Do you recall that he said that one
22 of the advantages of having a pilot was to expedite the
23 movement of the ships?

24 A. That is correct.

25 Q. Could you please concede that if you
26 find some of the ships took a little bit more time than
27 would appear to be normal it was, of course, because they
28 hadn't a pilot?

29 A. I wasn't following you.

30 Q. You have mentioned yourself, Captain,



1 ENGLISH

2 in your evidence that you noticed that some of the ships
3 appeared to have taken quite a bit of time to transit
4 the District of Quebec? In the light of this I refer
5 to the statement made by Captain Doussault here in Court
6 that one of the advantages of a pilot is to expedite
7 traffic movement?

8 A. That is correct. He said one of the
9 advantages, right.

10 Q. Now, I am sure, pilot, that you don't
11 want to convey to me that when there is a pilot on board
12 the ships don't at times ground or have accidents?

13 A. Of course they do. That is, pilots
14 are human, after all.

15 Q. Have you ever looked at the record of
16 casualties in this District for the year 1962, Exhibit...

17 MR. JACQUES: Exhibit 652.

18 MR. BRISSET: Looking at this Exhibit will
19 you not agree at that that after the pilots resumed work
20 on the 10th of April you had in your District groundings
21 and collisions every month?

22 A. Sir, it is a practice in our District
23 that whenever you have even a minor accident, and I say
24 very minor, we make it a practice to report to the Authority.
25 I see here for instance the Dorthe Oldendorf grounded,
26 cause unknown; the Uranus cause unknown grounded or struck the
27 dock -- excuse me this is the one that struck the dock.
28 The Ostima Maru grounded. Oakhill -- that is different.
29 I think these occurrences, they don't give you the spot
30 where they grounded, but I am right, I believe there was



1 ENGLISH

2 quite a few ships that touched at Cap Grisbanne on that
3 25 foot spot which not even the Department nor the Shipping
4 Channel knew existed.

5 Q. I suppose it wasn't known to the ships
6 that were without pilots either during the 10 days of the
7 strike?

8 A. I am sure, sir, that the ships that
9 came in without pilots were most of them low ships, and
10 secondly they must have waited for high water to make
11 sure. Some of them must have waited for high water to
12 make sure, to negotiate the north tranverse.

13 Q. Now, Captain, I want to pass on to
14 recommendation 4: Docking at Quebec. The first question
15 I want to ask you is whether I read the recommendation
16 properly as meaning that the docking pilot will only be
17 required when a ship is inbound and docks, and not when
18 a ship leaves the dock here to proceed to sea.

19 A. That is our recommendation, yes, sir.

20 Q. This is only for the ship coming in
21 inbound?

22 A. Yes, sir.

23 Q. In other words the river pilot would
24 in all cases do the undocking?

25 A. Yes, sir.

26 Q. I think you have stated this morning
27 that you didn't feel that the charge now existing
28 under the tariff of \$20.00 docking was sufficient, and
29 I would like you to tell me what you consider a proper
30 charge, without committing yourself or your Corporation,



1 ENGLISH

2 just give us your personal views.

3 A. I wouldn't at this time care to answer
4 that because I don't know, sir.

5 Q. May I assume from your evidence this
6 morning you meant that the charge should be higher than
7 \$20.00?

8 A. No, sir, I didn't mean such a thing.
9 I just merely wanted to explain to the Commission that
10 the dockings which were done here were not -- were done
11 to accommodate the ships, but not for, let us say, a high
12 or -- just remuneration.

13 Q. Now, pilot, will you agree with me
14 if the river pilot inbound doesn't dock the ship himself
15 but is relieved somewhere down the river his work load
16 will be to that extent diminished?

17 A. Yes.

18 Q. Would you think then it would be fair
19 under the circumstances if docking pilots are established
20 in Quebec to reduce the tariff or the transit from Les
21 Escoumains to the limits of the Harbour of Quebec by the
22 same amount as is charged to the ship for docking in
23 Quebec?

24 A. It is very hard to agree to that one.

25 Q. In other words you would like to have
26 your cake and eat it too?

27 A. Pardon me?

28 Q. You would like to have your cake and
29 eat it too?

30 A. No, not at all. I am trying to point out



1 ENGLISH

2 it is a practice that is being done now just about the
3 world over. If you care to go to Antwerp, for instance,
4 you will have there a docking pilot who will take your
5 ship to the dock. The same if you proceed to Rotterdam,
6 Liverpool, I believe, Hamburg, it is a common practice, yes,
7 it is a common practice the world over.

8 Q. When you make this statement, pilot,
9 have you made any comparisons between the situation here
10 in Quebec with regards, say, the situation in Hamburg?

11 A. I haven't personally, sir, but I
12 believe this answer could be given to you in Montreal
13 when the Commission sits there.

14 Q. In other words you don't want to convey
15 to us at this stage it should be done in Quebec because
16 it is done in Hamburg and elsewhere and there will be
17 further explanations given?

18 A. You asked me a question about the
19 situation in Hamburg, did you not, and I answered to you
20 that I believe this question could be answered in Montreal
21 better than I could today.

22 Q. Thank you. Now, Captain, to justify
23 the docking pilot in Quebec for inbound vessels you told
24 us that the ship owners would save some expense and in
25 illustration you told us that he would save on tugs. Am
26 I right in understanding from this that with a pilot
27 having the required experience quite often a ship could
28 be docked here in Quebec without tugs?

29 A. Pardon?

30 Q. It is only because a pilot is



1 ENGLISH

2 inexperienced that you have to use tugs?

3 A. I didn't say that, sir. We have the
4 required experience. As I stated this morning that it is
5 only natural if you do the thing many times a day instead
6 of doing it once a week you will become certainly more plus
7 habiles to do that particular type of work.

8 THE CHAIRMAN: More skilled.

9 THE WITNESS: More skilled, yes.

10 MR. BRISSET: Am I going too far saying
11 what you are, in fact, telling us is that some of the
12 river pilots don't have the required skill to dock a ship
13 at the present time?

14 A. I didn't say that, sir.

15 Q. Or only some of them have it?

16 A. Every member of my Corporation have
17 passed examinations as far as docking and undocking ships
18 in Quebec. I say have passed the examination. It is not
19 in my power to say if such a man is better than another
20 at this time, nor any time.

21 Q. I think you have always said the
22 ship owners would be saved the expense because the vessel
23 could be docked by a docking pilot at any stage of the
24 tide?

25 A. No, sir, I didn't say that. I said
26 that the man that would know the day to day operation of
27 the Harbour and would know how many ships, for instance,
28 would be in such part of the Harbour, which certainly
29 was more than a man who comes up on the river, that has
30 been away for three or four days and wouldn't know the



1 ENGLISH

2 conditions or the amount of ships placed in such an area.

3 Q. Do you recall the evidence given by
4 Captain Allard, while he was here early in July when he
5 said particularly that the Harbour of Quebec, the
6 Authorities of the Harbour of Quebec were now working on
7 the establishment of a radio telephone system which would
8 permit them to communicate with ships?

9 A. We are the ones that did suggest that,
10 the pilots.

11 Q. With that system in operation wouldn't
12 the river pilots be in a position to obtain by radio
13 telephone from the Harbour office information he might
14 require as to the conditions in the Harbour of Quebec
15 upon arrival?

16 A. Well, I think they have been here
17 three or four days hearing testimony about the hard times
18 that we, the pilots, have ~~trying~~ to communicate with shore
19 installations. That is my answer.

20 Q. Wouldn't the communication be possible
21 within a short range, say half an hour before you get to
22 Quebec or an hour before you get to Quebec?

23 A. Sir, I know that some ships are and
24 this is getting back to telecommunication, some ships even
25 in the Harbour of Quebec can't reach V.C.C. Quebec.

26 Q. Now, to come back to this matter of
27 experience which is a necessity for docking pilots
28 according to what you have told us and I have understood,
29 would it be possible for river pilots to get this exper-
30 ience more than they are, apparently, getting it now?



1 ENGLISH

2 Could there be a system established to permit the river
3 pilots to get docking experience?

4 A. I didn't use the word experience. I
5 said that a man would be -- it is just if you mean
6 permission, just like driving a car. If you drive your
7 own car, I am sure if you get used to your car you will
8 feel better, wouldn't you. You would feel better?

9 Q. Agreed?

10 A. I agree, so if a man is docking three
11 or four or five times a day he will certainly be better
12 than the river pilot that does it once a week or twice a
13 week.

14 Q. In other words what you are telling me,
15 you can't think of any method that could be used without
16 imposing docking pilots which would permit the river pilot
17 to gain more experience in docking of ships? You can't
18 suggest any system?

19 A. No.

20 Q. Correct me if I am wrong in this,
21 but Captain, I have always understood that a good pilot
22 is one who is also a good ship handler. Will you agree
23 with this?

24 A. Well, sir, I was a master for a good
25 number of years and I believe that I could handle the
26 ship that I was on, but when I came into a strange port
27 I am sure that I was calling to have someone that knew
28 how to handle the ship in the different conditions.

29 Q. Now, pilot, there is another problem.
30 I would like to ventilate this question as much as we can



1 ENGLISH

2 with you. There is another problem that has come to our
3 mind and it is this one in connection with docking pilots.
4 As you know in Quebec, in the District of Quebec there are,
5 I believe, about ten or eleven A pilots?

6 A. Ten, sir.

7 Q. Ten. These pilots handle, of course,
8 the large ships and it is in most cases, I would say, the
9 A pilots that dock the passenger ships that come to Wolfe
10 Cove as well as an A pilot who docks and handles the larger
11 tankers that come here to the Harbour. That is true;
12 isn't it?

13 A. Yes, sir.

14 Q. Now, these A pilots have been appointed
15 A pilots because of their experience and ability; am I
16 correct?

17 A. Correct.

18 Q. Would you see a danger if these A
19 pilots that are used to these big ships, having docked
20 them, the passenger ships particularly, would be relieved
21 coming into Quebec by another man, probably of much less
22 experience than they are. Do you see a problem there?

23

24

25

26

27

28

29

30



1 ENGLISH

2 A. No. You did not mention sir the pilot
3 that comes up from Escoumains in all kinds of weather,
4 gets here, and he -- you did not mention fatigue, a man
5 that has been under tension for six or eight hours, twelve
6 hours, he is not in the same mind as a man that would be
7 fresh to do that kind of work.

8 Q. Captain I would like to refer you to
9 Exhibit Number 660 which gives a list of the vessels
10 arriving in Quebec furnished by the Harbour Authorities.
11 Ships, of course, that have docked in Quebec. Now I have
12 not made the calculations but I believe that the number
13 is slightly below one thousand.

14 A. At first glance, yes.

15 Q. How many pilots do you feel would be
16 required to handle this number of ships?

17 A. You are going into a question which
18 has not been studied thoroughly.

19 Q. You mean to say that this question was
20 not studied before the recommendation was made?

21 A. It was studied but we did not go to
22 lengths studying it, such as the question that you are
23 asking me, the number of pilots which would be required.

24 Q. Have you at least looked at the statis-
25 tics for the Harbour of Montreal which show that one pilot
26 in the year 1959, for instance, to start with that year,
27 averaged 597.4 dockings. In 1960 402.4, in 1961, 365.5
28 and in 1962 352.8. Have you looked at that? Were you
29 aware of these statistics?

30 A. No.



1 ENGLISH

2 MR. LALONDE: May I see the Exhibit to which
3 my friend referred? The number of berthings in Quebec?
4 My friend has mentioned 1000 ships, approximately, but
5 the recommendation is inward going ships. I think this
6 Exhibit 660, called Statistics for Foreign going vessels
7 berthing in Quebec Harbour in 1962, it doesn't mean they
8 are all coming in Quebec from the sea. It may be a lot
9 of ships coming also down to which the recommendation would
10 not apply.

11 Q. There would be actually less than
12 1000 ships if these statistics include all the ships
13 proceeding down from Montreal?

14 A. Yes, they have less. I don't know
15 how many.

16 THE CHAIRMAN: They will need to be docked,
17 anyway.

18 MR. BRISSET: They will need to be docked.

19 THE CHAIRMAN: Therefore they will need a
20 docking pilot.

21 MR. LALONDE: My Lord, the recommendation
22 applies to ships inward from the sea.

23 MR. BRISSET: Only.

24 MR. LALONDE: Only.

25 THE CHAIRMAN: And then, I suppose, the other
26 river pilots are going to recommend the same thing, also.

27 MR. LALONDE: It is not in the brief My Lord
28 and there are good reasons why the recommendation is not
29 made for ships downbound.

30 THE CHAIRMAN: Is that more difficult than



1 ENGLISH

2 those coming up?

3 MR. LALONDE: The trip is less long, for one
4 thing and the communications, all those factors.

5 Q. Well Captain I think we were being led
6 astray by relying on Exhibit 660. The actual number of
7 trips inbound docking at Quebec might, therefore, be no
8 more than four or five hundred?

9 A. I don't know.

10 Q. Now taking into consideration the
11 workload or capacity of the docking pilots in Montreal,
12 would I be right and would you agree with me that one, or
13 at the most two pilots would be all that would be required
14 in Quebec to do the docking of inbound ships?

15 A. As I have not the figures, I cannot
16 answer you.

17 Q. In other words, this has not been
18 studied?

19 A. Not thoroughly.

20 Q. I might suggest this to you, and you
21 will tell me whether you agree with me or not: Assuming
22 that you have just two pilots to do the work, would you
23 not agree that at times there might be inbound ships
24 coming into Quebec, say three or four at a time, that
25 would want to dock and there would be no pilots available?

26 A. Not very often.

27 Q. In other words, even though you have
28 not made too thorough a study of the question, you are
29 not prepared to say that it is a possibility that the
30 service might not be very efficient, either because too



1 ENGLISH

2 few pilots or too few ships?

3 A. On the contrary. I think that it
4 would offer, as I said before, advantages.

5 Q. Would you also, in this recommendation,
6 regarding docking at Quebec, go as far as to say that if
7 it is passed, or passed upon, this docking by pilot be
8 made compulsory and not only the dues, the payment of
9 the dues? What I am asking you, are you also, in relation
10 to docking pilots, advocating that the use of a pilot be
11 made compulsory and not only the payment of dues?

12 A. Compulsory.

13 Q. You go as far as that. One last
14 question on this topic Captain, let us say that you have
15 a ship coming into St. Charles Basin from seaward, where
16 would you make the change of pilot?

17 A. It could be made -- as I said before,
18 this question has not been studied thoroughly, but it
19 could be made, as it is done, for instance, in New York
20 Harbour, from the tug.

21 Q. From the what?

22 A. From the tugboat.

23 Q. Where in the river?

24 A. Where we pick the tugs off buoy 138B.

25 Q. I thought that it was not all ships
26 that used tugs to get into the basin?

27 A. My answer then was not proper. In
28 cases where you would use tugs, you would embark with the
29 tugs.

30 Q. If you do not use a tug, would you make



1 ENGLISH

2 the change in the same place with the little pilot boat
3 here?

4 A. I suppose you would.

5 Q. Are you afraid or not that there might
6 be congestion at that particular place with ships
7 transiting the District, ships changing pilots in that
8 area?

9 A. I don't see it, no.

10 Q. Now pilot, I come to recommendation
11 number 5---

12 THE CHAIRMAN: Are you going to be very long
13 long with this one?

14 MR. BRISSET: Not very long, but I have a
15 considerable number of other questions.

16 THE CHAIRMAN: So I have one question to ask,
17 and we will finish with my question if you don't mind.
18 In order to help us appraise the effect of the compulsory
19 pilotage, if it has been established, am I right in saying
20 that in 1962 boats which paid pilotage dues, who did not
21 use pilots, amounted, not as far as money is concerned,
22 to about one and a half of one per cent of the traffic,
23 money-wise? In other words, the traffic revenues were
24 a little over one million dollars while the boats or
25 the ships, without pilots would be about \$5,000.00 so
26 if you work an average of that, it would be about one and
27 a half of one per cent, it would be about one and a half
28 of one per cent?

29 MR. BRISSET: This ~~by~~ ^{my} ~~lord~~, shows from the
30 statement.



1 ENGLISH

2 THE CHAIRMAN: Yes, I have taken that from
3 the statement for pilotage statement 1962.

4 THE WITNESS: I remember that.

5 THE CHAIRMAN: Exhibit 597 so I just say
6 that because if I am wrong, I would like to be corrected.

7 MR. LALONDE: My Lord, I think we should add
8 to that one million dollars that ten per cent, which is
9 \$116,000.00.

10 THE CHAIRMAN: It is even less than that.

11 MR. LALONDE: Yes, the \$1,055,000.00 is
12 90% of the pilotage earnings.

13 MR. BRISSET: And my Lord out of this
14 \$5,000.00, although I have no statistics, I think I can
15 safely say that the percentage of dues paid by ocean
16 ships, included in this \$5,000.00 is very very small, if
17 there is any amount at all.

18 THE CHAIRMAN: I see. If you wish to establish
19 it, you will do so. We will adjourn now until tomorrow
20 morning at ten o'clock.

21
22 ---Whereupon the hearing adjourned.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

QUEBEC CITY
QUEBEC

VOLUME No.:

68A

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Court House,
Quebec City, Quebec, on Fri-
day, the 20th day of September,
1963.

COMMISSION :

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member

COMMISSION COUNSEL:

Mr. Maurice Jacques

P R E S E N T :

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Feder- ation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Cor- poration of the Montreal Harbour Pilots; the Corp- oration of the St. Lawr- ence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

* * * * *



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* * * * *



FRENCH

September 20, 1963

---Upon commencing at 10:00 a.m.

CAPTAIN LESSARD, sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. Mr. Lessard, we asked you some time ago to tell the Commission exactly how, and on what basis the calculation in Exhibit 589 had been prepared. Exhibit 589 is the exhibit which gives the average number of trips and effective pilots, et cetera.

A. For 1959/60 reports are being compiled at the end of the year. We have an average on the assignment list of 100, and those who had less added --

Q. Just a minute, you have taken for 1958, 1959, 1960, the average for the turns, the assignment list. What is it?

A. This is what is recognized as the totality of turns. For those who had less had been added, and this is what gave us the difference between what they did as compared to those who worked all season. This gives us, therefore, the average of leave or absences.

THE CHAIRMAN: Could I have the exhibit?

THE INTERPRETER: Please ask the witness to speak into the microphone:

MR. JACQUES: I have not understood anything so far, my lord so we will start again.

Q. Let us resume then for the year 1958, 1959 and 1960 on Exhibit 589. You said you took the average of the assignment list?

A. As a basis.



1 FRENCH

2 Q. Do you remember what was the average
3 during these years?

4 A. Around 100.

5 Q. 100. Well this was, therefore,
6 the number of trips a pilot had done?

7 A. Well he should have done that. But
8 he, in fact -- some people had done less than that but
9 one, for instance, who had done 80 trips, had done much
10 less.

11 Q. Well after establishing --

12 THE CHAIRMAN: Sorry, if I take a
13 simple example. Let us say you have three pilots. One
14 has 100 trips. Another one has 50 and another one did
15 not work. Now there is 150 trips for the year. Now
16 the average would be 50?

17 THE WITNESS: Yes, 50 but it should
18 have been 300. They should have done 300. Since they
19 did only 150 for the three, these pilots are considered
20 a half pilot.

21 Q. So you have established the number
22 of pilots at 100 per cent. That is those who did the
23 average number of turns or more?

24 A. Yes.

25 Q. And then you have calculated those
26 who did less than the average. You have established
27 their percentage of efficiency individually?

28 A. Yes.

29 Q. What did you do then?

30 A. Well with the average of efficiency



1 of these pilots, suppose there were six and they did
2 only half, well they are considered as three pilots so
3 there were three pilots only.

4 Q. This is the way then you come to
5 the number of effective pilots for 1958, 1959 and 1960?

6 A. Yes. That is 66.7 in 1958. 71
7 in 1959, and 72.3 for 1960.

8 Q. And the average that you have estab-
9 lished on the gross earnings, you divide the gross
10 earnings of the district by the number of effective
11 pilots?

12 A. Yes.

13 Q. And the average number of trips, how
14 did you establish it?

15 A. The total turns divided by the average
16 of effective pilots.

17 Q. So then you base yourself on the
18 number of accounts. There is one account per trip?

19 A. Yes.

20 Q. There is one account for one-third
21 or half of the trip?

22 A. Well very often we add two-thirds
23 to have one trip. There is only one account.

24 Q. Are the movages included in the number
25 of trips?

26 A. No.

27 Q. So this is only the number of trips
28 between Quebec and Port Alfred, et cetera, and the other
29 intermediary ports, if there were any trips?

30 A. Yes.



1 Q. I think you brought also the documents
2 concerning the month of July. I don't remember exactly
3 which year.

4 A. Well 1960, 61 and 1962. I was re-
5 quested to produce these.

6 Q. I would like to file these exhibits under
7 number 707.

8
9 ---EXHIBIT NO. 707: Documents entitled Comparative
10 Report of Pilotage Earnings for
11 the month of July for the years
12 1960, 1961 and 1962.

13 Q. Would you please refer to the first
14 page of this document for the year 1960 and explain to
15 the Commission what it contains, beginning with the left-
16 hand column?

17 A. In the column "inward" is the total
18 of the accounts for the up trips. Upstream trips and
19 then we have down-stream trips.

20 Q. Well is that Quebec itself or does
21 it include Quebec, Port Alfred, Chicoutimi, Les Escoumains?

22 A. Yes.

23 Q. Does it include also the trips going
24 one way or the other at the intermediary ports?

25 A. Yes.

26 Q. Could you proceed?

27 A. Well the third column is the total
28 of accounts for movages. The other column is total
29 of accounts for detention. Fourth column cancellations.
30 Following column is D.P.F. decayed pension fund because
these amounts go directly to the pension fund. Following



1 FRENCH

2 column deals with T.O.C., tonnage overcharge. These are
3 the charges for those ships which have no British
4 Registration and for which we increase the tonnage by
5 20 per cent.

6 Q. You spoke of charges and accounts.
7 Now are these only the accounts or bills sent during the
8 month of July, or is it the work accomplished in July?

9 A. Well these are the accounts for
10 bills sent during the month of July.

11 Q. Well does it occur sometime, or
12 happen sometime that the work is done in July and the
13 bill is sent in August?

14 A. Yes. When we haven't had the bill
15 ready before the close of the month.

16 Q. Please proceed.

17 A. The following column is charges for
18 boarding or getting off of pilots at Father Point or
19 Les Escoumains. These charges are remitted to the Receiver
20 General of Canada.

21 Then we have to go to the last column
22 where we have charges for ships above 10,000 tons, passenger
23 vessels. This is in the right-hand column, the extreme
24 right-hand column, charges for pilots of Grade A.

25 Q. And four equals 100?

26 A. There were four pilotages of Grade
27 A at \$25.00. Therefore, we have the total of four times
28 twenty-five. The one hundred total that we see here is
29 the total of bills sent on that particular day. The last
30 part, Number of accounts, is 49 and up-stream 32, and



1 FRENCH

2 down-stream 13, movages 6, detentions 0, cancellations
3 0. D.P.S., no debit and no credit. There was a total
4 of 100 accounts.

5 Q. Well in the figure to the right of
6 100, figure 73, what does that mean?

7 A. We have not been using this form for
8 a long time, so I am just wondering what this is.
9 73, I don't know, I am sorry.

10 Q. Well the figures 73 in the last column
11 to the right, you don't know what this is?

12 A. 73 is the number of changeover pilots.
13 73 changeover pilots at 20 gives you \$1,460.00.

14 Q. Were these changeovers, where do
15 they happen?

16 A. Escoumains or Father Point.

17 Q. This does not include the changeover
18 of pilot at Quebec?

19 A. No.

20 Q. Would you please turn the page over
21 and explain this particular document to the Commission?

22 A. In 1961 we were asked to differentiate
23 between gains in draught and tonnage. This is why
24 these are so differentiated and during the month of
25 July, 1961, there were so many trips which paid \$111,000
26 due to draught and the tonnage was \$33,000.00.

27 Q. There were 77 trips and one movage?

28 A. Yes. The total over-charge for
29 vessels not registered in Great Britain gave \$557.00 and
30 a few cents. Below you had 101 movages, \$2,400.00.



1 FRENCH

2 Then you had an adjustment of radio, compass and D.F.,
3 you had 57 detentions. 52 detentions which brought \$740.00
4 and three cancellations, 893 boarding of pilots at 20,
5 boarding or getting off of pilots at \$20.00.

6 Q. At the bottom of the sheet here you
7 have number of trips, 100 pilotages, 8 in July, 1961,
8 of \$399.28. Turning over now, I understand that this
9 is a comparison and you have three years, 1960, 1961
10 and 1962..

11 On the previous page you had 1959, 1960
12 and 1961. Now before 1961, this is the second form,
13 comparative report of pro-rated earnings, did you only
14 fill the first page of Exhibit 707?

15 A. Well only the first page.

16 Q. Then on the second page the figures
17 for 1959 and 1960 are extracted from other records?

18 A. Yes.

19 Q. Now to go back to Exhibit 589, you
20 told us how you made the calculations for 1958 and 1959
21 and 1960. Now would you explain to us how you made
22 the calculations for 1961 and 1962?

23 A. 1961 and 1962 the reports have been
24 filed monthly and to compile these reports we have the
25 total of leaves in the month divided by the number of days
26 in the month which gave us the average number of leaves.
27 This average number of leaves was subtracted from the
28 total number of pilots.

29 Q. In taking 1961, the number of effective
30 pilots, it was 69.55.



1 FRENCH

2 A. Yes.

3 Q. Out of 77 pilots?

4 A. Yes.

5 Q. And the average number of leaves, or
6 daily leaves for the year is how much?

7 A. 7.45.

8 Q 7.45 daily leaves which means there
9 was an average of 7 pilots absent each day?

10 A. Yes.

11 Q. Thank you.

12

13 CROSS-EXAMINATION BY MR. LALONDE:

14 Q. If I understand correctly the reply
15 was based on the number of absences. Do you think, or
16 is it your opinion that it is misleading to classify as
17 effective pilots and in the same chart or schedule the
18 figures which are based on a different basis?

19 A. Yes. I said that previously.

20 Q. Well this is based on the figures
21 from the Ministry, 1961?

22 A. Yes.

23 Q. Did you receive during 1962 new in-
24 structions or directives from the Ministry asking you
25 to calculate effective pilots on a different basis than
26 the one used in 1961?

27 A. No, I don't think so.

28 Q. You have had an opportunity to look
29 at your files in preparing these documents, and you found
30 no letter from the Ministry which gave you different dir-



1 ectives?

2 A. No sir.

3

4 CROSS-EXAMINATION BY MR. BRISSET:

5 Q. Mr. Lessard, would it be just to
6 say the month of July, during this navigation season,
7 is one of the busiest months from pilotage point of
8 view?

9 A. Generally, yes.

10 Q. Mr. Lessard you are aware that the
11 H.M.C.S. Proverder has done some training trips for four
12 days this month?

13 A. Yes.

14 Q. I am showing you now a document which
15 seems to be the calculation of pilotage dues relating
16 to this training or test trips, and I would like you to
17 confirm whether this is a statement prepared by your
18 office to determine pilotage dues for these test trips?

19 A. Yes.

20 Q. It appears in the document that two
21 pilots have been employed during these four days?

22 A. Yes.

23 Q. Could you file this document then as
24 Exhibit 708?

25

---EXHIBIT NO. 708: Document showing calculation of
pilotage dues relating to test
trips.

27

28 Q. I notice that the document, from
29 the point of view of pilotage charges to the shipowner
30 was charged 32 thirds of trips?



1 FRENCH:

2 A. Yes.

3 Q. And this is being computed on the
4 basis of which by-law?

5 A. On the basis of the general by-law
6 for the collection of pilotage dues. The tonnage you
7 can see it at the bottom was 7,851 tons and three quarters
8 of a cent per ton, 32 thirds of trips gave us \$628.20.

9 The draught of the vessel was 19 feet at
10 \$5.20 a foot, we have \$98.80 for the vessel, and 32 thirds
11 a vessel gave us \$1,053.57 and the total was \$80.00
12 detention, \$195.00 a total therefore of \$1,956.92.

13 Q. Now as regards the 32 third trips,
14 How was this number of trips calculated? Was it done
15 according to the subdivision of the district in three
16 areas or sections?

17 A. Not precisely. In the case of the
18 test trips it was agreed to give one turn for each
19 trip of 60-to 90 miles.

20 Q. In other words, you do not follow the
21 normal rules to allocate or allow half turns, one-third
22 of the distance in the district?

23 A. Well yes, we grant one-half of the
24 trips per one-third of collection dues, but I would say
25 that the subdivision of the district in thirds is not
26 followed because if a pilot -- otherwise a pilot could
27 do 30 miles and be entitled, if he was passing the de-
28 marcation line, going from one sector to the other, he
29 would be entitled to two-thirds of a trip for only 30
30 or 40 miles.



1 FRENCH+

2 Q. In other words, if you follow the
3 normal rule of allowing more than the rule allows when
4 the vessel crosses the borderline, the account would have
5 been much higher?

6 A. Yes.

7 Q. The last question: how many turns,
8 concerning the computation of turns, have you allocated
9 to each of the two pilots concerning each trip?

10 A. Five and a half turns each.

11 MR. JACQUES: Thank you.

12

13 JOSEPH ARTHUR MAHEUX, sworn

14 RE DIRECT EXAMINATION BY MR. JACQUES:

15 Q. Mr. Maheux would you please state
16 your full name?

17 A. Joseph Arthur Maheux.

18 Q. Would you please sit down. I think
19 Mr. Maheux that upon my request you have prepared certain
20 documents, amongst others a document giving approximately
21 the number of trips which passed, without stopping down
22 stream because of stress of weather?

23 A. This is true. I did not prepare this,
24 but we have asked the information from the officer in
25 charge of Les Escoumains.

26 Q. I would like to produce this document
27 as Exhibit 709 my lord.

28

29 ---EXHIBIT NO. 709: Document entitled Number of
30 Ships unable to disembark their
pilot at Les Escoumains due to the
stress of weather for the years 1952
to 1962 inclusive.



1 FRENCH

2 Q. Now if you refer to that document,
3 could you please explain the entries that can be found
4 therein for the year 1962?

5 I see there that you have put in many
6 places the word "sea". What does that mean?

7 A. Well that we did not have the des-
8 tination of that ship at the time. For example, though
9 we had it for a few like Ryndam, the pilot went to
10 Europe, and the Empress of Canada the pilot went to
11 Europe.

12 --

13 The Norafarer -- well the pilot came
14 off, perhaps in the harbour of the Atlantic or even in
15 the Harbour of St. Lawrence. At any rate that pilot
16 didn't get off the ship at Les Escoumains.

17 The same for the Sunflower, and the
18 Carinthia, the pilot to Europe.

19 Q. So this Exhibit 709 for the year
20 1962, the first column represents -- the first column
21 on the extreme left?

22 A. It represents dates which the pilot
23 had come off the ship, the hour and date, then you have
24 the name of the ship, name of the pilot, destination of
25 the pilot, that is whereabouts he got off the ship when
26 we found out and then the name of the ship which was
27 to let the pilot coming off Les Escoumains, the pilot
28 ship which normally should have taken the pilot at
29 Escoumains.

30 Q. Now, at the bottom part of the



1 FRENCH

2 exhibit there are three entries at the extreme right,
3 you say that the Citadel disembarked a pilot in the month
4 of November and December, apparently, 1962. Was the
5 Citadel still in operation at that time at Escoumains?

6 A. Yes, but so far as I remember the
7 Citadel was stationed at Tadoussac and the vessels just
8 the same went to Les Escoumains and we would have to
9 wait for the Citadel to go there and reach them and the
10 ships, as far as I can remember at that time, the ships
11 we expected went into certain harbours in the St. Law-
12 rence in order to wait for the pilots.

13 Q. Do you know if there was a boat at
14 the Escoumain station at that time?

15 A. I don't think so. There was no
16 pilot ship at Les Escoumains at that time. He should
17 have gone to Tadoussac, as far as I can remember.

18 We have gone to Tadoussac because of the
19 stress of the water and when the ships pass the Citadel,
20 for example, it came out and go for the ships and it
21 could have exchanged the pilots because one of the ships
22 is going to Sydney -- I don't think it was going there
23 anyway, but I know there was a certain agreement to
24 the effect that the pilot boat at Sydney was disembarking
25 the pilots on the St. Lawrence whenever the request
26 was made to that effect. And so far as I can remember
27 the Citadel was at Tadoussac and there was no pilot boat
28 at Les Escoumains.

29 Q. At your office in Quebec you receive
30 weather reports from Les Escoumains?



1 FRENCH

2 A. Yes.

3 Q. Do you always look at them?

4 A. Not always, but almost always.

5 Q. Can you please tell me if the weather
6 in 1962 in the month of April, October, November, and
7 December was far more severe than the same weather for
8 the preceding months?

9 A. No.

10 Q. Because at the end of the year 1959
11 only one pilot went straight to Europe without stopping
12 and in 1960 two pilots and 1961 one pilot and in 1962
13 13 pilots went straight to Europe without stopping.

14 A. I wouldn't say this was due only to
15 the stress of the weather in 1962 which might have been
16 worse than any of 1960, 1961 and 1963, but I am of the
17 opinion that conditions are changed, for example, for
18 the years the Citadel was in operation -- I explained to
19 you that the Citadel was stationed in Tadoussac while
20 on April 14, 1962 the Canada Boat No. 9 was stationed
21 at Les Escoumains.

22 There was certainly a storm and I am not
23 in a position to tell you if the weather was worse in
24 1962 or 61 or 60, but the Canada Pilot couldn't give
25 the service that was given by the Citadel.

26 Q. The station was transferred from
27 Father Point to Les Escoumains what year?

28 A. 1960.

29 Q. And I also think you prepared upon
30 my request, a document giving the name, and the nation-



1 FRENCH

2 ality of ships that transitted the Quebec District
3 during this stoppage of work in the year 1962?

4 A. Yes.

5 Q. You also have indicated different
6 hours and differant weather conditions. Could you please
7 go back to Exhibit 706 and explain the things you have
8 given starting on the left, please?

9 A. The name of the ship, the nationality,
10 the hour of her arrival at Escoumains. In the case of
11 a ship going upbound, the hour of arrival in Quebec
12 as we have it and the days in Quebec, the tonnage that
13 we took in the register, and the draught. As soon as
14 we got the draught we wrote it down.

15 Q. Where did you obtain the information
16 that you inserted in that exhibit?

17 A. From the office itself, that is to
18 say that those vessels registered.

19 Q. At Les Escoumains?

20 A. At Les Escoumains and they were told
21 that there was no pilot at the station and consequently
22 they went ahead.

23 Q. And the hours of arrival in Quebec,
24 where did you get them?

25 A. Well, through our office, we saw
26 a ship passing in front of our office.

27 Q. In the times you have indicated.
28 What about draught?

29 A. As you can see we lack information
30 about draught as there was no pilot on board. We don't



1 FRENCH

2 know much about draught.

3 Q. But the draughts you have indicated,
4 where did you obtain them from?

5 A. As you know these ships stopped in
6 Quebec so we got some information from Port Alfred Agents,
7 Agents stationed at Port Alfred.

8 Q. During this period of stoppage of
9 work did you receive requests for pilots?

10 A. Yes.

11 Q. Do you remember if these requests --
12 strike that out -- do you know how many requests you
13 received approximately? Do you recall how many approxima-
14 tely?

15 A. I think that all the ships mentioned
16 on these sheets would have taken pilots if there had
17 been any at hand. Without having an official request
18 we were always receiving an unofficial one. One could
19 suppose all the ships would have taken pilots if we
20 had had some on hand.

21 Q. Was your office notified about the
22 stoppage of work before the stoppage of work actually
23 occurred?

24 A. Officially no, not to my knowledge.
25 We weren't notified.

26 Q. So how did you find out that there
27 were no longer any pilots?

28 A. Well, we knew about this but not
29 an official basis.

30 Q. Even after the strike had started,



1 FRENCH

2 before this strike started were you told the pilots
3 weren't to be available for a definite period or in-
4 definite period of time?

5 A. No.

6 Q. Have you received any official
7 communication on the part of the Corporation of Pilots
8 or any other organization representing the pilots?

9 A. No, but I wasn't personally -- I
10 wasn't personally at that time. It may happen that the
11 Authority may have been notified about that. I am not
12 aware of it yourself.

13 Q. Are you aware if those ships met
14 with any accidents?

15 A. In the District, not that I know of.

16 Q. You say that you received unofficial
17 requests for pilots services?

18 A. Well, naturally we received some
19 requests from ships in Quebec. We received some telephone
20 calls from agents asking for pilots. I even recall in
21 the case of the Battory the agent phoned and told us
22 write down the hour at which we are calling you because
23 it is not our intention to pay the bill if it isn't your
24 intention to give us a pilot. We are going to leave
25 just the same.

26 Q. What type of answer were you giving
27 people who were requesting pilots at that time?

28 A. I couldn't tell you the exact words
29 that were used, but at any rate, we were saying we don't
30 have any pilots on hand at this station and we believe



1 FRENCH

2 it was a temporary stoppage of work and as soon as we
3 would have some pilots available we would send them.

4 Q. To your knowledge your Quebec office
5 or the Escoumains office would have sent some messages
6 to the ships notifying them that there were no pilots
7 available?

8 A. I don't think so.

9 Q. Did your Quebec or Les Escoumains
10 Office send some messages notifying ships not to go up
11 stream on the river?

12 A. Certainly not, no. Perhaps we sent
13 certain messages but we certainly didn't notify the
14 ships that there were no pilots available.

15 Q. You say you perhaps answered certain
16 messages. Do you recall any answers that you would
17 have sent?

18 A. The reply would have been about the
19 same, that we don't have pilots available, and consequent-
20 ly we couldn't provide them with pilots.

21 MR. JACQUES: Thank you.

22

23 CROSS-EXAMINATION BY MR. LALONDE:

24 Q. Mr. Maheux, I would like to refer
25 you to Exhibit 709 and to the three last cases mentioned
26 in that Exhibit concerning ships, the Citadel. Is it
27 not a fact that the Citadel was sold in the course of the
28 summer of 1962?

29 A. Sold -- I don't think it was sold in
30 1962.



1 Q. Is it sold now?

2 A. Yes, it is sold now, but I don't think
3 it was sold in 1962. It was sold, if I remember properly
4 during the following winter after its departure from
5 Les Escoumains, so it seems to me it is longer than per-
6 haps last winter.

7 Q. Last winter, but at the same time
8 apparently it seems to you it has been sold for a longer
9 time. Would it not be possible for the ship to have
10 been sold in the preceding winter?

11 A. It is quite possible.

12 Q. Are you sure, for example, that the
13 26th November, let us assume in 1962 -- let us say
14 that Pilot Rousseau would have been taken to Sydney in
15 1962?

16 A. According to what I could say I
17 will explain slightly. It is quite possible that in the
18 first place this sheet is a photostatic copy of all the
19 details ~~we have~~ received from Les Escoumains and when I
20 told you I thought it was later than last year -- before
21 last year -- it is possible instead of being the year
22 1962 these three might apply to the preceding year
23 but when it is mentioned that the Citadel was stationed
24 at Les Escoumains it is, perhaps, before 1962.

25 Q. Is it not possible in fact that the
26 last three names of the vessels that are mentioned there
27 might apply to dates that were as far back as they could even
28 go back to the year 1959 and that these three incidents
29 might have happened at Father Point?

30 A. Yes, this is possible. I am going



1 FRENCH

2 to tell you. I am going to explain...

3 Q. I am not accusing you of having
4 made a mistake.

5 A. I am going to explain. I think that
6 we have cut down on certain teletypes in order to splice
7 them together later on in order to have this photostat
8 later on and it is quite possible that these three
9 cases might date back to the preceding years.

10 Q. So this might leave as a certainty
11 for the year 1962, 3?

12 A. Yes, that is April 14th, 11th of
13 October and 4th November -- four dates.

14 Q. 27th of October as well at which
15 pilot boats at Les Escoumains would have been unable to
16 disembark pilots?

17 A. Yes.

18 Q. I would like to refer you to Exhibit
19 706 now please. You were at the Pilotage Station at
20 Quebec between April 6th and April 14th, 1962?

21 A. Yes.

22 Q. Is it not a fact in the course of
23 that period of time the weather was extremely clear?

24 A. Yes.

25 Q. In the month of April?

26 A. I recall that, yes.

27 Q. Do you remember if in the course of
28 the period certain buoys had been installed within the
29 Quebec District?

30 A. I don't have the dates at which the



1 buoys have been installed but I think that they must have
2 been in position.

3 Q. Is it not a fact that certain special
4 efforts have been made in order to instal buoys rapidly
5 in order to help ships at that time?

6 A. I am not in a position to answer
7 on that.

8 Q. Is it not a fact that all aids to
9 navigation on the shore were in operation at the time?

10 A. Certainly.

11 Q. If you now refer to that exhibit I
12 understand it has been prepared by yourself?

13 A. No, under my supervision.

14 Q. The first page is entitled "Ships up-
15 ward Bound Without Pilot". On what basis did you use
16 in order to ascertain that there were no pilots on board?

17 A. Well, we didn't take any pilot on
18 board and we didn't take off any pilot either.

19 Q. Would it be possible that there had
20 been on board these ships some staff or people who might
21 have acted as pilots while not being licenced as a
22 pilot, having received a licence from the Government at
23 that time?

24 A. I don't think so.

25 Q. What basis do you use when you say
26 they weren't licenced?

27 A. Well, this is my information.

28 Q. Practically speaking would it be the
29 same thing as saying you don't know about it?

30 A. If I don't know well I can't give you



1 FRENCH

2 any specific answer.

3 Q. Were you ever told that certain
4 members of the staff or crew of coastal ships or small
5 ships might have acted as pilots during that period?

6 A. I was never informed about that.

7 Q. Were you not told of certain navi-
8 gators who might not be members of ship's crews at the
9 time would have been disembarked from the ships in the
10 Gulf of the St. Lawrence by Helicopter, or at other
11 times?

12 A. Not that I know of.

13 Q. If you take the first sheet of Exhibit
14 706, are you in a position to notice after reading this
15 exhibit that the great majority of these ships transitted
16 the district in the daytime?

17 A. Well, that the great majority -- we
18 could say that the majority travelled by day.

19 Q. If you take your hour of departure
20 could it be said then -- take the first two ships and
21 go down the two first cases, the FREDERICK RAGNE and
22 the CONSUELO, according to our exhibit, it seems they
23 haven't reached Quebec as yet. Are you still expecting
24 them soon?

25 A. I am no longer waiting for them any-
26 more because they have arrived a long time ago, and
27 anyways they have come back many times since, but we
28 don't have the arrival time, and consequently we couldn't
29 write it down.

30 Q. Consequently you don't know what time



1 FRENCH

2 they arrived and what day. Let us eliminate those two
3 cases. I think that the next vessel which seems to have
4 travelled at night would be the PORTHOS. Is that P-a?

5 THE WITNESS: P-o, PORTHOS I think.

6 Q. So that vessel seems to have transitted
7 by night. It reached Les Escoumains at 21 hours and
8 arrived next morning at 7:30. You don't have the draught
9 of that ship?

10 A. Well, there was no pilot on board
11 and consequently we couldn't get the information.

12 Q. You have therein the draught of
13 certain other vessels on the other hand?

14 A. Well, as I said to the other counsel,
15 we have obtained these draughts from the agents.

16 Q. In other words did you ask for the
17 information, did you ask the agents to get that inform-
18 ation?

19 A. No, we didn't.

20 Q. Is there any particular reason for
21 which you asked some agents to give you draughts and you
22 didn't ask other agents?

23 A. I don't think that we asked any
24 information from anyone. The draughts that appear on
25 that sheet we had on hand so I would write it down at
26 that point. How we obtained that information, that was
27 back in April, 1962, I couldn't tell you who gave it
28 to us but at any rate we have the information and we
29 wrote it down. The information we didn't have we didn't
30 try to get it.



1 FRENCH+

2 Q. You don't know, naturally, how you
3 got the draught of the ships that are shown on that exhibit?

4 A. No.

5 Q. You are not in a position to tell me
6 if the information about draughts is accurate?

7 A. According to the information that
8 we got at that time those are the draughts that were given
9 to us and they were not checked.

10 Q. And you don't know?

11 A. No, I can't assist you.

12 Q. You don't know who gave you these
13 draughts?

14 A. I don't know, but I think these
15 draughts were given to us by the agents.

16 Q. So, we have the case of the PORTHOS
17 and if you go down the column you read the WESTERN PRINCE
18 it doesn't seem to have reached Quebec either. At any
19 rate there are no arrival times?

20 A. That is another vessel that has
21 accomplished many trips since.

22 Q. Let us leave it aside if we don't
23 know. Your time of arrival of the ship, the following
24 ship which seems to have travelled at night seems to have
25 been the VIRGITIA.

26 THE CHAIRMAN: The SANVAD.

27 MR. LALONDE: It doesn't seem to have
28 reached Port Alfred.

29 THE CHAIRMAN: We can assume if it
30 left at 1900 hours...



1 FRENCH

2 MR. LALONDE: I wouldn't like your
3 lordship to give that interpretation because lower down
4 the list you have a ship such as ...

5 THE CHAIRMAN: The COLORADO MARU?

6 MR. LALONDE: The MANCHESTER PROGRESS
7 who left at 5.41 and took 35 hours to reach their destin-
8 ation. Consequently it could have left on the afternoon
9 to take three days in order to reach the destination,
10 but cast anchor and wait, so consequently we can't reach
11 the conclusion the ship reached the destination in the
12 course of the night.

13 THE CHAIRMAN: Insofar as the WESTERN
14 PRINCE is concerned it left at 21.30 and must have travelled
15 at night because it left at nighttime.

16 THE WITNESS: He may have travelled
17 three miles and then cast anchor.

18 THE CHAIRMAN: Yes.

19 MR. LALONDE: Q. A ship about which
20 we have some accurate information, the VIRGITIA, left
21 at 0010, or ten minutes past midnight and arrived the
22 next day at 12.25?

23 A. Yes.

24 Q. When we consider this list and the
25 number of vessels or when we --that we are certain neg-
26 otiated at night and crossed the whole district at night
27 one will realize that there are two vessels during this
28 period who certainly travelled at night, that is the
29 PORTHOS and the VIRGITIA.

30 A. Might I say the HERLAND which left at



1 FRENCH

2 0005 and got over at 11.15 in the morning, five or six
3 hours.

4 Q. Yes, now we have on this list three
5 vessels out of 32 in the first page which navigated
6 at night during this period?

7 A. As far as we know, yes.

8 Q. Yes. Well, during the normal season,
9 during this particular period in April the average number
10 of vessels who travelled at night is more considerable?

11 A. You mean there are more vessels that
12 travel by night than by day?

13 Q. No. What I mean is when there are
14 pilots available is there more than three vessels out of
15 32 who travel at night through the district?

16 A. When there are pilots available I
17 don't think that they pay any attention to the work being
18 done by day or night. It all depends on the traffic.

19 Q. Well, so no matter what time it is
20 if they want they leave?

21 A. Yes.

22 Q. Now, based on your experience is
23 the traffic fairly regular, that is, day or night you have
24 about the same number of vessels or do you have more
25 vessels in the day than at night?

26 A. I think that we have more vessels
27 going downstream from Montreal by night than in the day-
28 time and this could be explained because the vessels are
29 loaded in the day and they leave when they are ready.
30 There is no difference by day or by night. We have no



1 FRENCH

2 statistics.

3 Q. Your impression is that it is fairly
4 equal?

5 A. Yes.

6 Q. So the proportion from three to 32
7 in this particular case is certainly not normal if I under-
8 stand correctly.

C 9 Now I draw your attention to Pages of
10 vessels, the following vessels on the list, the HOMERIC
11 who left at five from Les Escoumains and arrived in
12 Quebec at 20 hours or 8:00 P.M. the same day, Quebec.
13 That is a duration of 15 hours for the trip. Based on
14 your experience is that a usual duration for the HOMERIC
15 in your district?

16 A. Well it is abnormal for the HOMERIC
17 to take so long.

18 Q. From the pilotage charts that you
19 have seen, what would be the normal duration of the trip
20 going upstream?

21 A. Well there may be some other factors,
22 seven or eight hours.

23 Q. If we go to the MANCHESTER PROGRESS
24 which left at 5:45 on 12th April, arrived in Quebec on
25 13th April at 1600 hours, or 4:00 P.M., which gave him
26 36 hours to cross the district. From your experience
27 is this a normal duration when there is a pilot on board
28 the vessel, and particularly with the MANCHESTER PROGRESS
29 to cross your district going upstream?

30 MR. JACQUES: Thirty-four hours, fifteen



1 FRENCH

2 minutes.

3 A. Well it is abnormal to take so long.

4 Q. Well how long should it normally be
5 for the MANCHESTER PROGRESS?

6 A. Well let us say about ten hours.

7 Q. Let us go to the CAP SAN DIEGO. Do
8 you know this vessel?

9 A. No. I never went on board any
10 vessels.

11 Q. Is this a vessel which negotiates the
12 St. Lawrence from time to time? Have you ever seen any
13 cards from this vessel?

14 A. No.

15 Q. Thank you. The HOMERIC and the
16 MANCHESTER PROGRESS these are regular vessels. You know
17 them?

18 A. Yes. They go regularly.

19 Q. The CAP SAN DIEGO left Les Escoumains
20 at twelve and came at twenty hours or 8:00 P.M. on the
21 13th, 33 hours to go from Escoumains to Quebec for a
22 vessel of that category. Is that a normal duration
23 with a pilot on board?

A24 A. I thought if we took a pilot on the
25 vessel which took 33 hours I would hear a lot about it.

26 Q. The SAGA SEA, she left at 11 hours
27 on the 12th to get to Quebec, 22 hours, 15, which is
28 10:15 P.M. on the 13th April. That is the next day,
29 which gives us a total of 35 hours, subject to amendment
30 by my friend Mr. Jacques.



1 FRENCH

2 MR. JACQUES: 34 hours 15 minutes.

3 Q. Is that a frequent duration?

4 A. Certainly not.

5 Q. Now the HARPEFJELL left at 6:15 on
6 the 13th, arrived in Quebec on the 14th at 21 hours or
7 9:00 P.M., which is approximately 39 hours.

8 A. Well certainly abnormal.

9 Q. Well now if you have these vessels,
10 the VESTEFJELL, it left at 8:25 on the 13th and arrived
11 on the 14th at 10:50, that is approximate duration of
12 25 hours. Do you have any such long trips with pilots
13 on board?

14 A. No.

15 Q. If you left at 8:30 on the 13th and
16 arrived at 14 hours on the 14th, which is 26 hours dur-
17 ation --

18 A. Abnormal.

19 Q. Now if we take the TORONTO CITY,
20 took about 25 hours. Is that normal?

21 A. No.

22 Q. The AMACITA left on the 13th at
23 10:45 and arrived on the 14th at 16 hours, a total of
24 29 hours to cross the district. Is it normal for the
25 vessel of this type?

26 A. No sir.

27 Q. Let's go back to the case of the
28 HARPEFJELL which took 39 hours to cross the district.
29 Incidentally, there seems to be 12 vessels on this first
30 page for which we have no arrival time.



1 FRENCH

2 THE CHAIRMAN: Well they did not dare
3 give it.

4 Q. Well let's go back to the case of the
5 HARPEFJELL which arrived in Quebec at 21 hours on the 14th.
6 Is it not true that pilots in the Quebec District boarded
7 at six o'clock on the 14th, at 6:00 A.M. on the 14th,
8 April, 1962?

9 A. I know they started very early.

10 Q. Perhaps you do not remember exactly
11 the date? Do you remember that it was at 6:00 they
12 resumed work?

13 A. Yes.

14 Q. Well I think it was public knowledge
15 that they resumed work on the 14th of April. Do you
16 remember you had to send a pilot in a launch to assist
17 the HARPEFJELL who had anchored near Cape Brule', the
18 Captain having refused to go upstream again, or beyond
19 that distance?

20 A. Well I cannot assert or deny. I
21 don't remember this.

22 Q. Well if I tell you that the pilot
23 was Andre Lachance, would that refresh your memory?

24 A. No. Maybe it was the case, but I
25 don't remember, I am sorry.

26 Q. Weren't you informed of the fact that
27 a vessel CONSUELO when trying to anchor in front of
28 Quebec Harbour had caused damage to submarine cables,
29 or submerged cables the value of which was several
30 hundred thousand dollars?



1 FRENCH

2 A. It is possible. I don't remember
3 exactly.

4 Q. Now of course if a vessel had an
5 accident during this period, while there was no pilot
6 on board, would the fact have been reported to your
7 office, at your pilotage station or at the Pilotage
8 Authority one way or another?

9 A. The majority of accidents are reported
10 to us by radio to our office. In this particular case,
11 I think that we would have heard about it.

12 Q. Is it not true that the only cases
13 which are reported to your office are those incidents
14 or casualties, except where there would be a really
15 terrible accident, are those which have a pilot on board?

16 A. Well sometimes we get messages on
17 an accident or incident when there is no pilot on board.
18 This happens sometimes.

19 Q. Is it given to you as Pilotage
20 Authority?

21 A. Yes, this is as frequent as there
22 are accidents.

23 Q. Are they frequent accidents?

24 A. No, not so often.

25 Q. Would you have this information?
26 Would you have received it in your signal files of the
27 report of incidents where there are no pilots on board?

28 A. Well in the case of these vessels,
29 rather schooners or small coastal vessels which would have
30 no pilot, in almost all cases, I do not say all cases,



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2 but generally we have their report.

3 Q. Do you remember having heard the
4 schooner or coastal vessel reporting that it had caught
5 the buoy, for instance?

6 A. No. This is rather seldom.

7 Q. Have you ever heard of any report?

8 A. No.

9 Q. Do you remember having received
10 reports of pilots saying that they had touched a buoy?

11 A. Well some report it and the others
12 don't.

13 Q. How do you know that when they touch
14 and do not make a report?

15 A. Well the last pilot who touched a
16 buoy in the Quebec Harbour, we have had to ask him to
17 report because he had not sent a report on his own.

18 Q. Have you got many reports? Similar
19 reports?

20 A. I don't know how many there were
21 during the last few years.

22 Q. During the last year?

23 A. I don't know.

24 Q. Is the case you mentioned the only
25 one which happened this year?

26 A. Well you should ask Captain Jones
27 how are the buoys, but I don't know myself.

28 Q. Well don't you know that the buoys
29 have been hit after it has been done?

30 A. I don't know. All the cases haven't



1 FRENCH

2 been reported.

3 Q. Do you know that pilots report in-
4 cidents in which they are involved going upstream or
5 downstream?

6 A. It is reported only when they feel
7 the need of it.

8 Q. So a vessel could get grounded and
9 get out of that without informing you?

10 A. Certainly.

11 Q. Did you look at the files of the Signal
12 Department between 6th and 14th April, 1962, to see
13 the fact that such vessels had grounded or they had
14 difficulties?

15 A. I did not check that. If you want,
16 I may do so.

17 Q. So you have no idea whether you had
18 incident reports or accident reports during this period?

19 A. No.

20 Q. Now during the stopping of work, did
21 you receive information from the Pilotage Authority that
22 they have advised all pilots that unless an agreement
23 would be concluded there would be no pilots available
24 beginning the 6th of April? You got no message from
25 Ottawa?

26 A. No sir.

27 Q. The reports from the Signal Department
28 in a period 6th to 14th April, 1962, have these reports
29 been kept? Are they available?

30 A. Yes.



1 FRENCH

2 Q. I understand, on the other hand,
3 that these reports might not necessarily indicate in-
4 cidents or accidents which may occur in the district?

5 A. Well the signal report does not
6 include incidents or accidents.

7 Q. Where would this be available, the
8 information to the effect that the vessel has called and
9 is grounded at such and such a place?

10 A. Well we would have to get the tele-
11 type of those days and read them again.

12 Q. Is it available? Did you keep the
13 teletypes? The tapes themselves?

14 A. I would have to check whether it is
15 kept or not, but I don't know.

16 Q. Well the vessel could, therefore,
17 have grounded and then got out of it without informing
18 you?

19 A. Certainly. He doesn't need to inform
20 us.

21 Q. Would you have a list of the vessels
22 which were anchored in Les Escoumains during this period
23 6th to 14th April, 1962?

24 A. Well I haven't got the list but I
25 could get it if you want.

26 Q. Vessels east of Escoumains. How
27 could you get such a list?

28 A. Well I could ask Les Escoumains.
29 I haven't got these records.

30 Q. Would Escoumains have a list of all



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2 vessels which were anchored east of Escoumains?

3 A. Well I think they would have the list
4 of those vessels enquiring about pilots. I am not sure
5 if they have the list, but I presume so.

6 Q. Thank you Mr. Maheux.

7
8 RE-EXAMINATION BY MR. JACQUES:

9 Q. On April 14th when the strike ended
10 could you tell us the number of pilots who were sent on
11 board vessels during that morning, in the morning of
12 14th April?

13 A. I haven't got the information but I
14 can certainly get it.

15 Q. Would it be very difficult to get
16 it?

17 A. No.

18 Q. Could you have it for this afternoon?

19 A. Certainly.

20 Q. Could you send a teletype message
21 to Escoumains and ask them the number of vessels which
22 were around Escoumains not only east but west or south?
23 Not north, of course, because there is land up there.

24 MR. LALONDE: Well if you are going
25 to make such a request, could you ask Les Escoumains
26 if they are certain to have a list of all vessels,
27 effectively, accurately anchored east or west; whether
28 it is possible to have vessels which were anchored without
29 them knowing it so it would mention this.

30 A. Well I think I could send a teletype



1 FRENCH

2 to get the information, but I don't know if I would have
3 the reply for this afternoon.

4 Q. Well do you know what we are seeking?
5 We want to know how many vessels were moored at Les
6 Escoumains waiting for pilots. Now their information
7 could also say whether they are not certain to have the
8 list of all vessels which were there?

9 A. Well personally I don't know, but I
10 will ask them.

11 Q. Please, could you ask them so that
12 we have the complete list. Now you have been asked for
13 a long time many questions about the number of hours, and
14 so on, which took many vessels to go up through the
15 district. Were the buoys in position at that time?
16 Could you check that information?

17 A. Well if I may, I will take some notes
18 because you are asking me quite a number of questions.

19 Q. Well since the 14th of April, 1962
20 inclusive?

21 MR. LALONDE: I do not think I can
22 accept that information if Captain Godreau is the one
23 who could give the information?

24 MR. JACQUES: I was trying to shorten
25 the length of the audience because some people were
26 complaining about it but if necessary we will have to
27 call on Captain Godreau.

28 Q. Based on your experience, is it
29 longer to go from Quebec to Escoumains or from Escoumains
30 to Quebec?



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2 A. It is longer upstream than downstream.

3 Q. Well going downstream what is the
4 average number of hours for the majority of vessels?

5 A. It is difficult to take a majority.

6 Q. Would seven hours be excessive?

7 A. Well perhaps it is short. It is not
8 excessive.

9 Q. The MORMACPINE?

10 A. The MORMACPINE is a good ship. Usually
11 they are good ships.

12 Q. Seven hours and a half, is it long?

13 A. No.

14 Q. RYNDAM, 9 hours and 15 minutes?

15 A. Rather slow.

16 Q. The IRVINGDALE, 10 hours 15 minutes,
17 11 hours?

18 A. Fairly normal.

19 Q. The HOMERIC 8 hours 45 minutes?

A 20 A. I would say slow.

21 Q. Would you not consider that there
22 was quite a progress when the HOMERIC took 15 hours from
23 Escoumains to Quebec and after an apprenticeship of
24 one trip that it took half the time to go down from
25 Quebec to Escoumains?

26 A. One would think that they did have
27 a good apprenticeship.

28 THE CHAIRMAN: Well probably we
29 should check the tide and the wind, probably the ebb
30 tide and a good wind and maybe other favourable conditions.



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2 MR. JACQUES: Well your lordship I
3 understand that this question is very important for the
4 Commission, pilots and shipowners. Unfortunately to give
5 information as correct and accurate as possible, it would
6 take a very long and thorough inquiry. We would have
7 to communicate with all the captains of these vessels
8 which are shown on Exhibit 706 and to obtain excerpts
9 from the log books to know what they had done.

10 THE CHAIRMAN: Well we will leave
11 this evidence to be given by the parties concerned and
12 they will certainly bring all the evidence that they
13 want. We will still note that Page 2, three of the vessels
14 are on Page 1, travelled by night and that trips from
15 Quebec to Les Escoumains were 7, 7:40, 8, 8:45 hours
16 while upstream there were certainly very adverse conditions
17 so there are a number of presumptions that we can make
18 now.

19 MR. JACQUES: Well I don't think we
20 can draw any conclusions as long as the buoys were not
21 put in -- as long as we don't know whether the buoys were
22 in there.

23 Q. Mr. Maheux, a vessel of 9,500 tons,
24 is it a small vessel?

25 A. Fairly big.

26 Q. Is it average?

27 A. Yes.

28 Q. A vessel of 9,000 tons net?

29 A. Same class, same category.

30 Q. Are there many around the 9,000, speaking



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2 of net tonnage?

3 A. Well no, this is rather big.

4 Q. 5,000 tons net?

5 A. Fairly big. A good average.

6 Q. Thank you.

7 MR. BIRSSET: Mrs. Maheux, to sum up
8 the debate, or all the questions that have been asked of
9 you, is it not a fact that whenever there is a pilot
10 on board a ship, a trip between Quebec and Escoumains
11 is done in a short time?

12 A. Naturally. Everything is depending
13 upon the speed of the vessel but usually it is not a
14 very long trip.

15 Q. I have another question on the same
16 subject. The two vessels mentioned on the first page,
17 the FREDERICK RAGNE and the CONSUELO, not reported in
18 Quebec, are, as I note, reported on the second page in
19 the Montreal District. This is a fact isn't it?

20 A. Yes.

21 Q. So we are not able to lose the phantom
22 pilots which have been mentioned by my colleague that
23 these vessels reached Montreal by helicopter.

24 A. They reached destination.

25 THE CHAIRMAN: It seems from that that
26 they passed in front of Quebec at five and six o'clock
27 respectively.

28 MR. LALONDE: I would like to draw
29 your lordship's attention to the fact that it was seven
30 days later.



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2 THE CHAIRMAN: On the 13th?

3 MR. LALONDE: Yes, that is it.

4 MR. BRISSET: Thank you. I have, my
5 lord, asked Mr. Maheux to come this morning in order to
6 establish certain facts dealing with the brief of the
7 Shipping Federation so as to avoid a trip to Montreal on
8 the part of Mr. Maheux, so if the court gives me permission
9 then I am going to interrogate him now?

10 THE CHAIRMAN: We will have a short
11 recess before you do so.

12 ---short recess.

13 ---following short recess.

14 Q. Mr. Maheux, I have one question
15 before Mr. Brisset starts. If a vessel upbound asks for
16 the services of a pilot at Les Escoumains and is advised
17 upon arrival that the weather conditions are such that
18 a pilot cannot be embarked and if that vessel proceeds
19 without a pilot up to Quebec City is it the policy of
20 your office to charge that vessel with pilotage dues
21 for that trip?

22 A. First I must say that it never
23 happened and then to answer that I would submit the
24 case to my superiors in Ottawa.

25 (THROUGH THE INTERPRETER.)

26 CROSS-EXAMINATION BY MR. BRISSET:

27 Q. Mr. Maheux, you have prepared upon
28 my request a list of employees assigned to the adminis-
29 tration of pilotage in the Quebec District including
30 pilot ships, pilot boats and signal stations indicating



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2 at the same time their rank, their duties and their
3 wages. Would you please refer to the exhibit that I
4 am showing you, to identify it, and I will file it as
5 Exhibit 710.

6 If you are familiar with that exhibit can
7 you please tell me what the first column means?

8 A. This is the number of the position
9 of each employee.

10 ---EXHIBIT NO. 710: List of employees assigned to
11 the administration of Pilotage
12 in Quebec District.

13 Q. And the other columns don't require
14 any explanation with the exception of the last one
15 entitled " salary range". Could you please explain
16 to us exactly how you proceeded in order to give the
17 information on that sheet?

18 A. According to the by-laws of the
19 Civil Service Commission each, I believe, is classified
20 with a minimum and a maximum of wages subjected to annual
21 increases according to services performed by the employee
22 and the salary mentioned means the maximum and minimum
23 for each of those positions.

24 Q. May it please the Commission so far
25 as the evidence is concerned, the evidence I would like
26 to present right now, I would like to draw attention to
27 the recommendations in recommendation 12 and 13
28 contained in the brief submitted by the Shipping Federation
29 of Canada which reads as follows, on Page 3 recommendation
30 No. 12:



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"The enactment of rules whereby in the case of a serious casualty or of serious negligence or dereliction of duties, the pilot involved will automatically be suspended pending an immediate full investigation into the circumstances of the case at which the operators of the ship will be permitted to attend, such investigation to include a full medical and/or psychiatric examination should the state of health, physical or mental, of the pilot appear to have been a factor or drinking or drug addiction is suspected".

Recommendation No. 13:

"A computation of the accident record of each pilot with a yearly review being made and submitted to the representatives of the shipping industry with a view to have steps taken to investigate the physical fitness, character and background of accident-prone pilots."

Mr. Maheux, could you please keep before you Exhibit 644 which was used previously not enumerating the name of each pilot. I would like to ask you in giving your evidence to use the number and not the name of the pilot.



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2 Mr. Maheux, you have prepared upon my
3 request a survey of accidents, casualties or incidents
4 employing dereliction of duties as regards Number 9,
5 15, 25.

6 A. 16, I think.

7 Q. 16, yes, 25, 26, 29, 70 and 80;
8 is that correct?

9 A. Yes.

10 Q. Would you please look at the exhibit
11 I am giving you and tell me if this is exactly the detail
12 you have prepared?

13 A. Yes.

14 Q. Would you please tell me if this
15 document has been prepared on the basis of the information
16 contained in the records of the Supervisor concerning
17 each and every pilot mentioned?

18 A. Not according to their records, but
19 according to the notes we had -- this isn't a French
20 term, but we had in the establishment book.

21 Q. So this information comes from what
22 is called at your office and what is called in the pilots --
23 I don't know the French expression -- but from the estab-
24 lishment book?

25 A. Yes.

26 Q. So, are you in a position to assert
27 that this table represents accurately what is contained
28 in a book which is called the establishment book?

29 A. Well, this is the summing up of
30 the record of each of these pilots.



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2 Q. Next the necessary information con-
3 cerning casualties or accidents having to do with derel-
4 iction of duty?

5 A. Yes, everything that has been record-
6 ed has been written in these sheets, on this table.

7 Q. Could you please now refer to Pilot
8 No. 70. Will you please refer to the record of Pilot
9 No. 70 on the second page and I would like to read you
10 the last two entries on August 31st, 1953, which reads
11 as follows:

12 "Refused to board a ship at Les
13 Escoumain without reason after having
14 changed his turn twice in order to
15 report to Quebec". 1963, September
16 13th Pilot didn't report yet.

17 Was the pilot informed -- has the pilot
18 involved reported himself as yet?

19 A. He phoned me yesterday afternoon
20 notifying me he had received the letter. In the first
21 place I must tell the Commission that when he was ordered
22 to get back to Quebec in order to give his reasons --
23 it was at Les Escoumains -- so here I prepared a letter
24 advising him to give me the reason for which he had
25 missed his turn at Les Escoumain and that I was advised
26 that a medical certificate only would not be accepted.

27 Naturally that was written and then we
28 didn't see the pilot again after that and the letter
29 remained in the despatching office in case he would
30 come there and I was under the impression that the letter



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2 had been handed to him. During the last few days we
3 finally found out that the pilot hadn't as yet received
4 the letter so I sent him that letter by mail.

5 Yesterday afternoon that pilot phoned and
6 told me I am supposed to go to the hospital tomorrow, so
7 what do you want aside from the medical certificate.

8 I told him over the phone that the medical
9 certificate did not explain why he had refused to take
10 his turn, because at that time there was never any mention
11 of any illness.

12 Q. You know, Mr. Maheux, what happened
13 in fact at Les Escoumains to that Pilot?

14 A. He had changed his turn twice. I
15 had received a report from the officer in charge of
16 Les Escoumains stating that pilot had changed his turn
17 twice and when his turn came up he was called and there
18 was never any mention of any illness mentioned and the
19 pilot just stated I am not going on board and take my
20 name of the assignment list.

21 Q. Do you know what happened to the
22 pilot aside from that instance you talked about at Les
23 Escoumains?

24 A. The reason for which he would have
25 changed his turn or he would have refused to embark --
26 I cannot be explicit.

27 Q. What would have happened subsequently
28 to that pilot if he had refused to take his turn, if
29 he had changed his turn at Les Escoumains?

30 A. He could have changed his turn be-



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2 cause a change of turn requires only the consent of another
3 person. If he could have changed turn he could have changed
4 turn again.

5 Q. Did he make any request in order to
6 change his turn?

7 A. No, not that I know of.

8 Q. Do you know, in fact, what happened
9 to that pilot after August 31st?

10 A. I know that he came back in the
11 vicinity of Quebec and he spoke to me yesterday and those
12 are the only official information I have about him.

13 Q. Aside from officially?

14 A. I didn't hear of him. I have received
15 a medical certificate which I have produced to the
16 Corporation which was handed to me by the Corporation or
17 I think that the certificate was handed to me by the
18 Corporation.

19 Q. When was this medical certificate
20 produced?

21 A. On September 4th or 5th. I remember
22 that it was given to me while the Commission was sitting
23 here. I was given the paper. I put it in my pocket
24 and I took it to the office. It is still at the office.

25 Q. This certificate was given to you ...

26 A. By the Corporation.

27 Q. Not by the pilot himself?

28 A. No.

29 Q. Did you receive any explanations
30 concerning his absence at the time?



1 FRENCH

2 A. No, even I can't accept the certificate
3 which is transmitted to me through the corporation because
4 I am under the impression that the pilot himself is
5 the one who will give the explanation and try to justify
6 himself and on the other hand I have written a letter
7 to the Superior Authorities, certain facts, that that
8 pilot was most of the time sick and was sick too much
9 on a regular basis and he required the rest of the week
10 off and so forth -- I don't know -- I am not a physician.
11 I recommended he should have a long rest.

12 Q. Did you receive any instructions
13 from the authorities in order to undertake a special
14 investigation in his case especially after what occurred
15 in the middle of September?

16 A. Well, instructions that I have at
17 the present time could be summed up in the following way:
18 In the first place obtain a letter from the pilot ex-
19 plaining his reasons for which he might have refused to
20 go on board and secondly that he should give us a medical
21 certificate which I will submit to my immediate superior
22 and I wouldn't put him on the assignment list. At that
23 time I am going to advise my superior at any rate.

24 I have received orders to the effect that
25 this pilot will be forced to take a medical examination
26 at the Department of Health.

27 Q. Aside from the medical examination
28 did it ever happen in the past, and more especially in
29 the case of this pilot here involved, did it ever happen
30 that it had been decided to make an investigation including



1 FRENCH

2 the investigation of behaviour of the pilot during his
3 absence?

4 A. Recently I did -- I might add that
5 that pilot already had been suspended, that is to say
6 taken off the assignment list of active pilots for
7 specific times. At any rate he has been under suspension
8 on several occasions, but recently, no.

9 Q. In other words you haven't undertaken
10 any investigation concerning the behaviour or the actions
11 of the pilot from August 31st up until now with the
12 exception of this phone call you received from him
13 yesterday?

14 A. I don't think the Department should
15 go after him at all because as long as he is absent we
16 are not going to run into any trouble.

17

18 RE-EXAMINATION BY MR. JACQUES:

19 Q. Mr. Maheux, it has been stated
20 yesterday or the day before yesterday, I don't recall
21 exactly, but certain pilots had died after having been
22 overworked. From your own knowledge do you know if there
23 would have been pilots who died on account of overwork?

24 A. I am not aware of what the certificates=
25 have been given.

26 Q. Could you please refer to Exhibit
27 644 and to Pilot No. 77. At the date of the death of the
28 pilot was he still an active pilot?

29 A. Yes.

30 Q. In January?



1 FRENCH

2 A. Yes.

3 Q. Do you remember if he had piloted
4 in the month of December?

5 A. Yes, I think so.

6 Q. Are you sure he did?

7 A. Yes, I am quite positive.

8 Q. Do you remember the number of trips
9 he might have made?

10 A. No, but I could find out.

11 Q. In 1959 when did the navigation season
12 end or terminate?

13 A. Well, during the last few years the
14 seasons have ended -- this being the active seasons, in
15 late December and the pilot involved was not one of the
16 type who would refuse to work.

17 Q. In 1959 did the season end late in
18 December?

19 A. I suppose so. I couldn't give you
20 these details.

21 Q. Do you know the age of the pilot
22 when he died?

23 A. No, but he was over 60.

24 Q. Would you have heard about the cause
25 of his death?

26 A. No.

27 MR. JACQUES: Thank you.

28 MR. LALONDE: Did Pilot 77 die on
29 board a ship?

30 THE WITNESS: I think so.



1 FRENCH

2 THE CHAIRMAN: Any further questions
3 of Mr. Maheux?

4 Thank you Mr. Maheux.

5 MR. LALONDE: Captain Rousseau, please

6
7 CAPTAIN GASTON ROUSSEAU, re-sworn

8 CROSS-EXAMINATION BY MR. BRISSET:

9 Q. Captain Rousseau, I would like now
10 to pass on to recommendation No. 5 for the District of
11 Quebec that the number of pilots has increased by at least four
12 I take it I am right that in your evidence yesterday
13 this is now to be 3?

14 A. That is correct.

15 Q. And no longer at least four?

16 A. No, because I -- as I explained yes-
17 terday the fourth pilot which we were talking about has
18 not his licence and now we have already replaced that
19 man.

20 Q Now, Captain Rousseau, I would like
21 to refer to Page 54 of the brief of the Federation of
22 St. Lawrence River Pilots and below.

23 MR. LALONDE: For the purpose of
24 clarity I think we should refer to the paragraph. Our
25 brief has been numbered by paragraphs so the French and
26 English will be the same.

27 Q. It is paragraph 145.

28 THE WITNESS: Excuse me, I have the
29 French

30 THE CHAIRMAN: The paragraph number is
the same.



1 ENGLISH

2 MR. BRISSET: I will quote it to
3 you. It deals with the characteristics of the work of
4 a pilot:

5 "Theoretically he can never count
6 on a period of time for himself
7 during which he can attend to his
8 personal affairs without fear of
9 being notified that he is to embark
10 at a certain time. Thus, he must
11 be available at all times, somewhat
12 like a General Practitioner".

13 I assume that you agree with this description
14 of one of the characteristics of the work load of
15 pilots, Captain?

16 A. I do.

17 Q. Would you now take before you Exhibit
18 No. 644 which is a statement showing the number of
19 days of absence of pilots in the Quebec District for the
20 years 1960, 1961 and 1962. Have you seen this exhibit
21 before, Captain?

A22 A. I might have sir. I don't recall.

23 Q. Would you have a quick look through
24 it. I assume that you know all of the pilots that are
25 listed in this statement?

26 A. I know them all, sir.

27 Q. Having you looked at this statement
28 would you be prepared to state that there are in the
29 case of certain pilots quite a number of unjustified
30 absences during a season of navigation, and from what you



1 ENGLISH

2 know of them both officially and personally?

3 A. I might say here that there are a
4 few in our organization that do abuse the privilege of
5 taking a few days off. This as you know does not come
6 under our jurisdiction. The Authority are the ones
7 looking after this matter.

8 Q. Would you agree, Captain Rousseau,
9 that unjustified absences to a certain extent disurb the
10 efficient pilotage in the district and its administration?

11 A. As I said before in our group there
are only a very few. The remainder during the course of a year
13 are on call at all times, and as you said before with
14 the exceptional time that they do ask permission for
15 leave.

16 Q. Will you tell me then in your official
17 capacity as President of the Corporation whether the
18 Corporation would be in favour of disciplinary measures
19 taken by the Authority with respect to unjustified absences
20 in order to cut them down as much as possible.

21 A. If we would agree?

22 Q. Yes?

23 A. We certainly would, sir.

24 Q. In other words you wouldn't support
25 a pilot who shows in his record repeated unjustified
26 absences in your dealings with the Pilotage Authority?

27 A. We wouldn't personally be against
28 that, no. Moreover, I might add that many pilots, even
29 though it is outside a jurisdiction -- we do approach
30 some pilots that take advantage of this, let us say, too



1 ENGLISH

2 much leave and ask these men to try to be careful and
3 be more on the job. We do that unofficially, of course.

4 Q. Now, Captain, if these unjustified
5 absences were cut down do you still think you would require
6 three new pilots in your District?

7 A. I do, sir.

8 Q. In spite of this?

9 A. I do.

10 Q. I mean in spite of the fact that
11 these absences would be cut down by proper disciplinary
12 measures, do you still think that you would need three
13 more pilots in the district?

14 A. Still do.

15 Q. To be added to the roster?

16 A. That is right.

17 Q. Now, I believe you told me that you
18 knew all of these pilots listed in Exhibit 644, and I
19 would like to refer to pilot No. 75 and ask you not to
20 give his name.

21 With regard to this pilot you will
22 note in 1960 the record shows 43 days of absences. In
23 1961, 100 days and in 1962, 116 days. When you said
24 there were, in some cases unjustified absences, would you
25 include this particular case?

26 A. If I would include them?

27 Q. Yes?

28 A. I certainly would.

29 Q. You would?

30 A. Yes.



1 ENGLISH

2 Q. In other words, you will say that
3 the Corporation would not support the case of this pilot?
4 Isn't that putting it fairly in another way?

5 A. I would put it this way: that I
6 think that a little more discipline on the part of the
7 Authority would be welcome.

8 Q. Now Captain Rousseau, you have filed
9 as Exhibit 705 correspondence between yourself as
10 President of the Corporation and the Minister of Transport
11 on the topic of additional pilots required in your
12 district.

13 You recall this correspondence?

14 A. I do.

15 Q. May I draw your attention to the
16 letter of the Minister dated the 10th of June, 1963 dealing
17 particularly with the case of Pilot No. 70 in which the
18 Minister stated, and I quote:

19 FRENCH: "He has been absent for 116 days
20 in 1962. No satisfactory ex-
21 planation has been given in order
22 to justify such absences."

23 ENGLISH And the letter to which you have replied
24 on the 10th of July dealing with the same pilot, and I
25 quote:

26 FRENCH: "Upon the request of the pilot's
27 supervisor, Mr. X produced medical
28 certificates in order to motivate
29 his absences. These certificates
30 come from the physician of the National



1 ENGLISH

2 FRENCH: Health Department as well as from
3 his own attending physician."

4 ENGLISH: Could you please explain to me, Captain, now
5 why it would appear you are supporting this particular
6 pilot with regard to his absences or speaking for the
7 Corporation?

8 A These are -- I inquired to the Local
9 Authority here if this man had had medical certificates
10 and they reported that he had certificates to back him
11 up.

12 Q. Well Captain Rousseau surely you
13 must have known of the record of this particular pilot
14 either officially or as you would learn of it through
15 other channels?

16 A. Yes, we did. More than that, this
17 man, I just don't recall when, had the certificate
18 taken away from him for a certain period of time and I
19 don't recall that we went out of our way to try to help
20 him.

21 Q. Well the supervisor has read into
22 the record a minute ago the last two entries in respect
23 to this pilot regarding his refusal to take his turn
24 at Escoumains on the 31st of August last and his failure
25 to report absence to the office. Are you personally
26 aware, whatever might be the channels, of the incident
27 in which this pilot was involved earlier this month at
28 Les Escoumains?

29 A. The last time I went down to Les Escou-
30 mains the officer in charge down there, yes, told me



1
2 ENGLISH

3 about this case a little bit.

4 Q. What did he tell you?

5 A. He told me that he had changed turns
6 twice, I believe and that when he saw a ship coming, a
7 slow one he just decided to leave and if another fellow
8 that got his turn, had to take his turn.

9 I asked him what he did, and he said I
10 reported him to the Authority in Quebec. I said, in my
11 opinion, you did very well indeed.

12 Q. Did you investigate a little further
13 and find out what happened to the pilot at Les Escoumains
14 in the days that followed?

15 A. No sir. It is not under my jurisdic-
16 tion anyhow to inquire about these things.

17 Q. You don't know either officially or
18 through other means?

19 A. No, I do not.

20 Q. Now Captain Rousseau, can you tell us
21 whether the traffic in the river this year is about the
22 same as last year, generally speaking?

23 A. We did not check on this, but I
24 believe it's about, in our district, it's about the same as
25 last year, yes.

26 Q. Now would you refer to Exhibit No. E.
27 597, the balance sheet of the Corporation of the Lower
28 St. Lawrence River Pilots for the year 1962. I believe
29 you were here yesterday, or the day before when we were
30 told that the number of turns of each pilot during that



1
2 ENGLISH

3 season, the normal turns was 108?

4 A. Right.

5 Q. Now keeping in mind that one turn and
6 a half is given for a trip from Quebec to Port Alfred
7 or Chicoutimi, trips through the Saguenay River, taking
8 also into account the winter trips, that is between the
9 1st of January and the 31st of March, could you agree
10 that a pilot who does his full season will perform approx-
11 imately between 90 and 95 voyages?

12 A. I do not agree.

13 Q. What do you think would be the number
14 of voyages?

15 A. Well again sir we did not check on
16 this but roughly I would say that he would do about 102.

17 Anyhow I would say that he does more than 100 voyages.

18 Q. How many voyages are done by pilots
19 in the wintertime, on the average, during the winter
20 season?

21 A. Once again this is an approximation
22 I will give you. I think it's about 2, some 3 turns.

23 Q. And how many voyages, on an average,
24 does a pilot do into the Saguenay River for which he is
25 given one and a half turns?

26 MR. LALONDE: May I ask my colleague
27 to define what he means by "Winter season" there? Is it
28 as in the by-law or the 1st of December to 8th of April?

29 I think we might be confused in this later on.

30 Q. Well let us say between the 15th of



1

2 ENGLISH.

3 December and the 1st of April?

4 A. Well it will be a little more. It
5 will be 3, at least 3.

6 Q. And how many trips during the season
7 of navigation, that is between the 1st of April and the
8 15th of December, relying on the fact that the statement
9 covers the year until the 15th of December, how many trips
10 would be made on the average into the Saguenay River for
11 which the pilot will be allowed one and a half turns?

12 A. That is again very hard to say. We
13 did not keep these figures. The traffic for the Saguenay
14 has diminished within a few years, and they are not so
15 many as before.

16 Q. Would you say ten trips a year?

17 A.- Per pilot?

18 Q. Ten trips a year per pilot?

19 A. No sir. Less than that.

20 Q. Could you risk an estimate?

21 A. No, I would not risk an estimate but
22 it's less than 10.

23 Q. Well at all events, taking into account
24 the half turn given for the Saguenay River and the winter
25 trips, you say that a pilot, during the regular navigation
26 season, 1st of April to 15th of December will do a little
27 over 100 trips?

28 A. I should think so, roughly. I didn't
29 figure it now.

30 Q. If my calculations are correct, and



1
2 ENGLISH

3 you correct me if I am wrong, during that space of 9
4 months and a half, there will be done again, if we use
5 an average, about 10 trips a month, 10 or 11 trips at the
6 most a month?

7
8 A. During the summer season?

9 Q. No. I am speaking during the whole
10 year of navigation or from the 1st of April to the 15th
11 of December.

12 A. Come to about 13 on an average.

13 Q. A month?

14 A. Twelve and a half, yes. Well there are
15 some months where you do more, and some other months where
16 you do less, of course.

17 Q. I agree with you. I was speaking of
18 an average. If you divide 102, say, by 9 $\frac{1}{2}$, you will not
19 get more than -- can you do it more quickly than I can?

20 A. You do it for me?

21 Q. 11 or 12 trips?

22 A. All right.

23 Q. In a month?

24 A. I still will state it will be more in
25 the summertime. Of course, you are talking about an
26 average. All right.

27 Q. There has been filed a statement for
28 the month of July of last year which we were told by the
29 witness was the heaviest month of the year. Would you
30 agree with that, that it is the heaviest month?

A. I don't think so. I think September and



1
2 ENGLISH

3 October are heavier than July. July - August -- August
4 especially is a quiet month.

5 Q. I am sorry --?

6 A. August especially is supposed to be a
7 quiet month.

8 Q. Well for this month of July, 1962, the
9 total for the month, if I read the exhibit properly, was
10 1,018. Let us assume for the sake of argument that it is
11 1,018. You mean to say that in September and October
12 the average would be greater than that?

13 A. I believe so.

14 Q. Does that mean in certain months you
15 have no trips at all?

16 A. If we go back a few years, I believe,
17 as I said, August was the quietest month, and of course
18 I would have to check but I think that during August the
19 average trips were about 11 I believe. That was our quiet-
20 est month but during the season, not taking account the
21 first part of April and the last part of December.

22 Q. Which are again busy months?

23 A. The first part of April? No. Neither
24 is the last part of December. Of course now the trend
25 is changing. Ships are leaving much later and December
26 we are quite busy.

27 Q. What I was driving at actually pilot
28 was to try and find out what period, in your opinion,
29 was really the peak period and how many trips you would
30 have to handle or pilot during that peak period?



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2 ENGLISH

3 A. Well during the peak period I think
4 that the average would be around 14 trips, or perhaps
5 13½ to 14 trips. Some might do 15, depending if you go
6 to the Saguenay and up here again. That will increase.

7 Q. When you speak of trips, Captain, I
8 want it to be well understood we are not talking of
9 turns. Am I right?

10 A. You are right sir but as I said before
11 the trips in the Saguenay have diminished quite a bit so
12 let's call them tours but they will be close to trips.

13 Q. Now Captain we have heard about long
14 trips by ships going from Quebec to Escoumains or Es-
15 coumains to Quebec. I would like to get the other side
16 of the medal now and tell me about the length or duration
17 of good trips with fast ships. In how many hours can
18 you do a trip from Quebec to Escoumains, or vice versa?

19 A. You are talking about average or fast?

20 Q. No, I am speaking of the good ones now.
21 We have heard about the bad ones.

22 A. Well if I make a passage from Quebec
23 to Escoumains within ten hours, let us say 9½ hours, I
24 figure I have had a very good trip.

25 Q. Captain Rousseau I have heard that one
26 of your confrere pilots a few days ago made one in just
27 over six hours with a ship with a speed of 18 knots and
28 with a favourable current of 2 knots. Have you had this
29 experience too?

30 A. I have had -- wait a minute -- this



1
2 ENGLISH

3 year? I don't think I did. Yes, on a destroyer, an
4 American destroyer. I think I did last year. If it
5 happened to me once, I figured I was lucky.

6 Q. Now to be perhaps a little more specific,
7 the ship I had in mind was the new MANCHESTER
8 boat, I understand it can do 18 knots?

9 A. I did not have the pleasure of piloting
10 her sir.

11 Q. Now Captain Rousseau isn't it usual
12 to find ships, on the average, that will do 15 or 16,
13 even more than that, knots?

14 A. Not on the average sir. On the average
15 the ship that you will get to-day would be $12\frac{1}{2}$ and 13
16 knots. If you had a ship of 15 knots we believe that she
17 is quite a go-getter.

18 Q. You mean to say that ships having a
19 capability of 15 knots are not common these days?

20 A. Well to use your expression common,
21 they might be common but we still get -- most of the ships
22 we get up here -- I should say are 12, $12\frac{1}{2}$ knots to 13
23 knots.

24 Q. Now Captain Rousseau in your district
25 we were told that quite often there was fog, particularly
26 in certain parts of the river. You agree with this?

27 A. I do sir.

28 Q. Quite often?

29 A. I do.

30 Q. In spite of this, isn't it quite usual



1
2 ENGLISH

3 for the ships being piloted through your district, even
4 in fog, to proceed at a pretty good speed, in spite of
5 the fog?

6 A. Depending on the density of fog I
7 should say yes, we try to get up here as soon as possible.

8 Q. That is one of the advantages of having
9 a pilot, isn't it, even during fog, ships will proceed
10 at a pretty good speed and will not stop?

11 A. Some of these ships will stop. Of
12 course they will stop, most of the ships will stop before
13 you get to the very narrow part, the really dangerous
14 part. Most, I should say 99 per cent to 100 per cent will
15 stop when you get to the really dangerous spots and will
16 not proceed.

17 Q. However, isn't it fair to say that
18 even when there is fog not too much time is lost tran-
19 siting the waters of your district with a pilot on board?

20 A. We do our very best sir.

21 Q. Captain Rousseau do you keep one of
22 those log books of which a sample was filed in this court?

23 A. I don't any more sir.

24 Q. You did during a certain period of time?

25 A. I did when they first came out, yes.
26 What I do now, I keep my time on a sheet of paper and
27 after I get off, and the ship is away on the horizon, I
28 destroy the sheet.

29 Q. Would it be possible, through your
30 Corporation to obtain a log of a pilot who was active



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2 ENGLISH

3 the whole of the season of 1962 and who has kept his book,
4 to give us an idea of the number of trips he made and
5 the time, and I will leave it to you to choose the one you
6 may want to choose.

7 A. I don't know of any pilots that do
8 keep that, and I would have to ask them, start from the
9 first one to the last one. Right now I don't think I have
10 the time to do that anyways.

11 MR. LALONDE: It may help my confrere
12 if I tell him that there is a chapter in our -- he knows
13 it's there, a chapter in our brief which is called "Working
14 Conditions" and in particular there is a table called
15 1B, which gives a lot of information about actual time
16 taken for various operations. This is Page 61 of the
17 French Text, for all districts. This has been based on
18 the log books which have been requested from a number of
19 pilots in each district for the whole of last year, so
20 when the witness will be brought, if my confrere wants
21 to have these statistics upon which these total figures
22 have been based, he can have all of it. There is quite a
23 lot and he can choose his own, if he wants additional
24 information, and he can choose the smallest one he prefers.
25 We would bring evidence concerning these totals and I
26 think there would be all the information he is requesting
27 in that regard when he comes to that.

28 THE CHAIRMAN: Are you satisfied with
29 that?

30 MR. BRISSET: I am quite satisfied with



1 ENGLISH

2
3 that my lord, although I think I am also afraid of statistics
4 and would like to see an actual book, when the time comes.

5 MR. LALONDE: They are really somewhat
6 log books. They will produce these log sheets.

7 THE CHAIRMAN: In any event, if you were
8 not satisfied with what will be brought to you, you will
9 have an opportunity to ask for one of those books if any-
10 one is complete, or in good shape.

11 Q. Now, Captain Rousseau, to change the
12 subject, I would like you to take before you Exhibit 589.

13 Now Captain I draw your attention to the
14 records for the year 1962 showing total gross revenue for
15 the district amounting to \$1,186,429.37 and those for the
16 1961 season amounting to \$1,178,620.51 giving an average
17 gross earnings per effective pilot of \$17,058.63 for 1962.
18 And, \$16,530.44 for 1961 for effective pilot again.

19 Now in the light of these figures Captain
20 would you agree that on the tariff on which these figures
21 were based they provide adequate revenues for the pilots
22 in your district for these two years?

23 A. Well sir if I may say that this sheet,
24 these are figures which are given, or were calculated by
25 the official of the Department of Transport. As you know,
26 we have had -- there has been, between our figures and the
27 Department of Transport figures quite a bit of difference.
28 This, of course, is not signed. To me it doesn't mean
29 anything. I have to sign my sheets and as far as the
30 number of effective pilots, I don't agree with this list



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2 ENGLISH

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at all. We have had this argument in 1960 and this argument about effective pilots has still not been settled.

5

At first glance I do not go along with these figures.

6

7

Q. All right, let's take this now. You will not dispute, I am sure, the total gross revenue as \$1,186,429.37 for the year 1962?

9

10

A. Well as far as revenues are concerned, when we computed these figures previously, we came close enough to these figures given by the Department. I will agree with that.

12

13

Q. You will agree with that?

14

A. With that, yes.

15

16

Q. Relying on this gross figure, or total revenue of the district, the Department on the basis of

17

there being 69.55 effective pilots has arrived at an

18

average gross earnings per effective pilot of \$17,058.63.

19

Is that a figure that you disagree with because you do not agree with the number of effective pilots or the method of determining effective pilots?

20

21

22

A. That is correct.

23

Q. That is correct?

24

A. That is correct.

25

26

Q. In other words am I right in saying that to determine the average gross earnings there should be a greater number of effective pilots shown on this

27

28

sheet, is that what your approach is to this statement?

29

30

A. Right. I might say it would be much simpler to go and look at our balance sheet and get the



1
2 ENGLISH

3 proper figure of what the pilot earned during the year, what
4 his take-home pay would be. Not the government figures
5 we receive, but what our pilots receive and take home.

6 Q. Captain Rousseau, I am not disputing
7 your figures with regard to the take-home pay. I am just
8 trying to find out whether you agree or disagree with
9 the manner followed by the Department to determine the
10 average?

11 A. I said previously...

12 Q. For effective pilots?

13 A. I said previously we never agreed with
14 the way they figure the effective pilots. As a matter of
15 fact it was understood, I believe, that when computing
16 the number of effective pilots that each pilot during 1962
17 onwards would be allowed, for instance one month a year
18 on leave, which were never taken into account up to now.
19 This was agreed by the high officials in Ottawa.

20 Q. In other words, pilot, this figure
21 69.55 pilots is too low in your opinion?

22 A. In any case, sir, if I may say, how are
23 you going to divide one pilot into 55 pieces to start
24 with?

25 Q. You have heard the statistics before?

26 A. I did, sir, to my sorrow.

27 Q. Even your own secretary I think spoke
28 of one-third of a pilot, do you recall?

29 A. I do.

30 Q. Let us get this quite clear. Your ob-



1 ENGLISH

2
3 jection is the number 69.55 is too low when you come to
4 determine the average gross earnings per effective pilot?
5 Is that putting it fairly?

6 A. During the year 1962, sir, we didn't
7 figure it so I can't say if it is too low or too high.
8 I can't give you my fair opinion on that.

9 Q. You can't?

10 A. I cannot.

11 Q. Well, have you figured out according
12 to your own way of doing it what was the actual number of
13 effective pilots in your district in that year?

14 A. Not last year.

15 Q. Did you do it in 1961?

16 A. We did it the year that we had this
17 Survey on statistics, but we didn't form this committee
18 last year because we could never agree, come together with
19 the way the Department would figure theirs so we didn't
20 think it was necessary to have a bunch of men go down
21 there. I might say here one time a meeting in Montreal
22 even at this meeting, Mr. Cumyn who was there was very
23 much surprised to see how we kept all these figures. He
24 said we have machines in Ottawa and we can't beat you.

25 I said, you might have the machines, but
26 we have the men to do it. We can't expect these people
27 to do that every winter. As I said previously we had
28 close to 45 pilots working in the office one winter trying
29 to get the statistics which the Department wanted to find.

30 Q. Captain Rousseau, would you refer to the



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2
3 balance sheet for the year 1962, Exhibit 597, and for
4 instance, look at Page 2 of Index B. You will see that one
5 pilot, No. 47, Armand Lachance, pilotages, 71. Would you
6 agree that that particular pilot, if we are to work on
7 such statistics was only 71 over 108 of a pilot?

8 A. He was a whole pilot, but, of course,
9 he didn't follow the tour de role, put it that way.

10 Q. In other words he did only 71 over 108
11 of the work of the average pilot?

12 A. He did 71 turns, yes sir.

13 Q. Statistically if you want to determine
14 his work load you will have to arrive at a percentage,
15 don't you agree?

16 A. Yes.

17 Q. That percentage will be 71 over 108?

18 A. All right.

19 Q. That is another manner of determining
20 the numbers, percentagewise from a statistical point of
21 view of the effective pilots in your district, isn't
22 it?

23 A. It is, but I am afraid, Mr. Brisset --
24 if you would try to compare figures with the Department
25 of Transport even you wouldn't agree with them.

26 Q. Let us just proceed to one other point
27 in connection with this statistical information on effective
28 pilots and again refer yourself to Exhibit 589. You will
29 see, using the same figure of 69.55 being the number of
30 effective pilots in 1962 the number of trips which is in-
dicative of their work load is 105.8 trips per effective



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2 ENGLISH

3 pilot. You see those figures, don't you?

4 A. Yes, I do now, yes.

5 Q. Now, will you agree with me if the
6 figure of 69.55 is too low and you used it to determine
7 the number of trips the result, namely 105.8 will be too
8 high?

9 A. You are using the Department of Trans-
10 port figures. You come to 105. something, and I will
11 look now at my balance sheet, and most of the pilots --
12 of course, I haven't the time to average the figures, but
13 I see that, I think we would come up at a higher figure
14 than 105. I think we would, at a rough glance. I don't
15 think that we would come to the Department figure.

16 Q. May I remind you, Captain Rousseau,
17 that your balance sheet shows as pilotages, what are not
18 voyages or trips, but turns. Would you keep that in mind?

19 A. All right, sir, I will.

20 Q. In this light could you answer my question
21 now. If the number of 69.55 of the effective pilots in
22 1962 is a figure which is too low the result is that the
23 number of trips per effective pilot, namely 105.8 is too
24 high. Do you agree with this?

25 A. I don't get you at all, sir.

26 MR. BRISSET: I am sure we will never
27 understand each other on statistics. I am going to change
28 the subject, my lord.

29 THE CHAIRMAN: That is all right. We
30 will adjourn until 2:30 this afternoon.



1 ENGLISH

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3 --UPON RESUMING AT 2:30 P.M.:

4 THE CHAIRMAN: Gentlemen, as we did
5 the last week we are going to adjourn this afternoon at
6 4:30 in order to allow those who have to take a plane to
7 take the six o'clock plane and we are going to have just a
8 short recess in the middle of the afternoon. You may
9 carry on, Mr. Brisset.

10 MR. LALONDE: My lord, I requested the
11 other day that I call Mr. Paul H. Guimont for a few
12 minutes as a witness and interrupt Captain Rousseau's
13 testimony.

14 FRENCH

15 PAUL H. GUIMONT, sworn

16
17 BY MR. LALONDE:

18 Q. Mr. Guimont, could you give us your
19 name, address and age?

20 A. Paul Henri Guimont, Quebec, my age
21 is more delicate, 56.

22 Q. What is your profession?

23 A. Financier.

24 Q. You exercise your profession in
25 Quebec?

26 A. Yes.

27 Q. You practice under the name of the
28 Society or your own personal name?

29 A. Clements T. Guimont.

30 Q. Have you had occasion these last years



1 FRENCH

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3 to deal with the pension fund of the pilots of the Quebec
4 District?

5 A. Since 1959.

6 Q. In what capacity did you deal with the
7 pension fund in that District since 1959?

8 A. As financier, analyst and financier.

9 Q. Were you employed by the Quebec Pilots
10 to that end or any other body requiring your services to
11 that end or for that purpose?

12 A. Well, I was employed by the Quebec
13 pilots. It was called as an advisor, as a broker for the
14 moment -- the General Trust of Canada which I had worked
15 asked me to furnish some information, make recommendations
16 or suggestions and to make with them some analysis so
17 as to find efficiency for the pension fund of Quebec
18 pilots.

19 Q. Did you have an opportunity since 1959
20 to make a survey or study of the general situation of the
21 Pension Fund of Quebec pilots.

22 A. Well, in every instance I made an analysis
23 partially or completely either with the members of the
24 Board of Directors of the Corporation or with the President
25 of the Corporation or the Secretary from time to time, and
26 together with the General Trust of Canada and the advisors
27 in investments of the General Trust of Canada for Montreal
and Quebec.

28 Q. Did you find any local difficulties
29 as regards the assessment concerning this particular pension
30 fund?



1
2 FRENCH

3
4 A. Well, on this point I thought that the
5 Authority or local powers are not very well defined because
6 there is -- there doesn't remain within such pension fund
7 much freedom within the pension fund itself. The majority
8 of the present pension funds have fairly good freedom,
9 for instance Industrial Services or Bell Telephone which
10 you can invest in any time, make all kinds of investments,
11 however, of course, the law requires a period of five
12 or ten or twenty years the corporation -- the efficiency
13 of this pension fund with the pilots should increase the
14 income of the fund as to have a corresponding increase
15 when there is no more inflation.

16 This is a fund which is permanently established
17 for twenty, forty, seventy-five or one hundred years.
18 I think if you restricted the framework to investment,
19 well it is more or less paralysed in a way but after 20
20 years thereafter the rate of interest is lower than normal,
21 like it was a case recently that the rate of interest
22 was, for instance, a few years ago, $3\frac{1}{2}$, 4, $4\frac{1}{2}$ -- that was
23 the maximum.

24 The Fund had very little flexibility. The
25 Corporation wasn't doing anything.

26 Q. Taking account of these legal restrict-
27 ions which affected the pension fund what placement
28 policy was adopted since the Corporation of Pilots has
29 requested your services for financial advice relating
30 to the Pension Fund?

A. Well, I would like to have a systematic



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reply. The first policy, in agreement together with the Council or the Board of the Corporation as it was established was to make some investments on municipal values in agreement with Article 9810.

Q. 9810?

A. Of the Civil Law Courts of the Province of Quebec which followed at that time already giving an increase in the fund which was satisfactory. The second policy, taking into account the increase in the rate of 59 which was already taking place at that time and accelerated in 1960, 1961 and 1962 and in agreement with the Board of the Corporation to have accept or make certain changes within the fund itself so as to free the funds, to get rid of certain low interest values at 3, 3½, 4 and 4½ per cent and replace them with values bearing yield of 4½, 5, 5½ and sometimes 6 per cent interest.

Every time I met here the manager, the President of the Corporation and the Board of the Corporation who really trusted me on this, and the President came to see me every month, every second month in order to have some exchanges in order to improve the efficiency of the fund. Every time we did so such exchanges were always provided so as the corporation increased by one-tenth, one-tenth, let us say, so as to increase the profit by one-quarter of one per cent or one-half of one per cent or three-quarters of one per cent as well as trying to increase the capital value through the trans-



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action. We always try to have verification of the rate of interest and to increase the capital itself and every time we succeeded in every transaction and I may say --

I can say that there -- this would generally increase the exchange rate, the efficiency of the fund has increased in interest along something in the order of \$11,000.00 a year.

Q. Well, how do we proceed when we decide to change certain securities or, for instance, in particular is there some consultation with the General Trust of Canada, for example?

A. Well, every time we find, either the General Trust or myself -- we find an exchange which may improve the efficiency of the fund or the capital itself, if I am the originator of the proposal I submit it to the Secretary-treasurer to discuss with the President of the Corporation and if both accept it then I discuss it with the General Trust of Canada, so as to reassure myself that the transaction is justifiable from the point of view of an independent advisor.

It happens sometimes that the Corporation will not and the General Trust will suggest the transaction and well then I go and see the President before the transaction is financed.

In other words, the proposal is always made either by me or by the General Trust of Canada. If it is by the General Trust they come to me and then they go and see the President of the Corporation to submit it to



1 FRENCH

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3 the Committee and the Committee makes the final decision.
4 I take no final action without talking to the Corporation
5 themselves.

6 There was a case of this a week ago which
7 was a good case of interest. It was a fairly new case
8 and there was a decision and I was not certain to get it
9 and this happened only once in four years. There was an
10 issue of securities by the Province of Quebec and this was
11 increased -- was at the rate of $99\frac{1}{2}$ for twenty-five years
12 and I submitted this to the President of the Corporation
13 and the President wasn't there and the Financial advisor
14 of the General Trust wasn't there so I took it upon
15 myself to reserve \$30,000.00 for the Corporation knowing
16 that a decision would be taken very early. In fact it
17 was taken before noon, and I confirmed - well, in the
18 evening the President called me to confirm because I had
19 left a message, He confirmed the \$30,000.00 and subsequen-
20 tly it was already up to one hundred and one and later
21 one hundred and two and a half. This was a positive
22 action which had to be taken.

23 I wouldn't have made such a decision if
24 I had thought there might be any doubt as regards the
25 bond issue or on the decision of the President of the
26 Corporation.

27 Q. Do I understand correctly if I inter-
28 pret your replies to mean that if the Corporation didn't
29 like your purchase you would have cancelled it?

30 A. Well, I had made such reservations.



1 FRENCH
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3 I was almost certain that they would accept it, but
4 I had to make these reservations.

5 Q. In other words the acceptance by the
6 Corporation of the Pension Fund -- there is always two
7 bodies of financial experts who approve the transaction
8 before it is made?

9 A. Well, in fact, if I propose a trans-
10 action and the General Trust finds it more or less inter-
11 esting -- more advantageous or less advantageous than another
12 one well then we cancel it even before mentioning it to
13 the Corporation, and vice versa. It has happened in three
14 cases where I replaced a transaction proposed by the
15 General Trust stating that it wasn't sufficiently advan-
16 tagous.

17 Q. Since your services have been requested
18 by the Pension Fund have you had to make some recommenda-
19 tions to the Corporation in order to improve the general
20 situation of the fund, either personally or jointly with
21 the Board of Directors of the Pension Fund.

22 A. I think it is in 1960. It was in 1961,
23 I think, that we did discuss with the members of the Board
24 the rate of assessment of members of the Pension Fund.
25 I think this assessment of 7% was really not in accordance
26 to the needs of the fund after the actuarial analysis by
27 the Ministry of Finance and after having discussed it
28 in many instances with Captain Rousseau he convened a
29 general meeting of the members which I attended and during
30 which, in agreement with the members of the Corporation
I recommended an increase of the assessment of members



1 FRENCH

2 from 7 to 10 per cent. The second recommendation was
3 an extention of the retirement of pilotage for one, two
4 or three years when this could be done decently, and the
5 three we insisted also in order to encourage or promote
6 new exchanges in the fund so as to increase the efficiency
7 of the fund itself.

8 Q. Were your recommendations accepted
9 by the Corporation?

10 A. Immediately. We came, of course, to
11 the assembly with some fear, of course we were going to
12 ask an increase of 3 per cent, from 7 to 10, and we thought
13 this could, of course, represent an amount varying from
14 \$300.00 to \$400.00 per year and this would be a sacrifice
15 on the part of the pilots in order to improve their share.

16 They came up with a good, favourable decision.
17 After explaining the approach, the increase in the assess-
18 ment was adopted within an hour and a half during that meet-
19 ing.

20 Q. Do you receive any remuneration for
21 your services?

22 A. None, directly from the pilots.

23 Q. Thank you Mr. Guimont.

24 MR. JACQUES: I have one question Mr.
25 Guimont. If I understand correctly your last reply is
26 that your remuneration or the compensation that you receive
27 comes on new transactions?

28 THE WITNESS: Well that is right. On
29 the transaactions but I have no fees either directly or
30 indirectly from the pilots except along the securities or



1 FRENCH

2 purchase, and so on. I confirm the purchase or sales at the
3 same price for the Sun Life or ~~Imperial~~ Life or Bank of
4 Canada or any other insurance agency in that pension fund.
5 Bell Telephone, et cetera.

6 MR. JACQUES: Thank you very much.

7 THE WITNESS: You are welcome.

8 MR. LALONDE: Captain Rousseau, please?

9 MR. JACQUES: At the request of some of
10 the parties before the Commission my lord we have secured
11 from Mr. Allard, the Harbour Master, a statement showing
12 the number of arrivals of home trade, minor waters and
13 inland water vessels in Quebec, St. Charles River Basin
14 and the River itself. This should be attached to Exhibit
15 660 and I was asked to make the following comments:

16 These figures would not tally with the National
17 Harbours Board figure because the N.H.B. figure show as
18 one arrival, one ship. They do not show a number of
19 arrivals every time the ship moves between the dock to
20 another whilst these documents do. It may be the same
21 ship arriving from St. Charles River to the Basin to
22 Wolf's Cove. That would be three arrivals on Exhibit 660.

23 CAPTAIN GASTON ROUSSEAU, Recalled

24 CROSS-EXAMINATION BY MR. BRISSET con't.

25 Q. Captain Rousseau, since you have shown
26 complete disagreement with the statistical method used by
27 the Department of Transport in connection with the pre-
28 paration of 589, I would now like to ask you whether you
29 find any utility in the type of statement prepared by the
30 local superintendent in the years 1959 and earlier, a sample
of which was filed as Exhibit 590? Do you want to look at



1 ENGLISH

2 this document?

3 A. Well sir this is the first time that I
4 have seen this document and as I said previously, we,
5 the pilots in our district did not even know that they
6 existed.

7 Q. However, Captain Rousseau, I might men-
8 tion to you that this is a statement which shows the
9 actual number of trips made by every pilot within the
10 district in the ~~year~~ covered, as well as the actual pilotage
11 revenues earned by that pilot and, therefore, we are
12 dealing here not really with statistics by way of analysis,
13 but actual figures both as to trips and earnings.

14 Now in the light of this, would you agree
15 that such a statement would at least be useful to the
16 shipowners to find out how much they have paid and how
17 many trips each pilot has made?

18 A. Well sir knowing from experience that
19 the statistics which the employees of the Department --
20 as far as we were concerned, were not up to par with ours,
21 I would much prefer that you would use the Shipping
22 Federation statistics.

23 Q. What do you mean by the "Shipping
24 Federation Statistics"?

25 A. Well sir if you represent the Shipping
26 Federation, the Shipping Federation must have statistics
27 also.

28 Q. Well I am sorry to say that the Shipping
29 Federation does not keep a record of what is paid by every
30 ship coming within pilotage areas within Canada but never-



1 ENGLISH

2 Nonetheless feels that it is necessary for it, in its bus-
3 iness, to know what in fact is being paid.

4 Now on that basis would you agree that it
5 would be advisable that at least such form of statement
6 should be prepared every year by the local Superintendent
7 in your district for the information of the shipowners?

8 A. Well it surprises me sir that in 1959,
9 when we did compute statistics for my district, that the
10 Shipping Federation did not use our figures but the Depart-
11 ment's.

12 Q. I think we are saying exactly the same
13 thing. They used the form that I have now shown to you?

14 A. Yes, they used that form but not ours.

15 Talking about the Shipping Federation, they used the figures
16 of course which suited them best.

17 Q. They used actual figures.

18 A. We also had, sir, actual figures.

19 Q. Do you mean to say Captain that figures
20 computed by your Association at the time, to show how
21 much each pilot had earned by way of pilotage revenues
22 through his own pilotage, did not agree with the figures
23 contained in this statement prepared by the superintendent
24 of your district?

25 A. As far as the earnings for each in-
26 dividual pilot, it did not agree. There was a big margin.

27 Q. In other words, what you are now
28 claiming is that the figures appearing on Exhibit 590,
29 prepared by the local superintendent of this district,
30 are not accurate?

A. As I said before, sir, we did not even



1 ENGLISH

2 know these forms existed so how can I say here and now
3 they are accurate when we have had experience with the
4 Department's figures in 1959 showing that their figures
5 were not accurate? And as I said previously, there was a
6 high official in Ottawa, Mr. Cumyn, I will mention his
7 name, stated how can you come to so fine a figure when we
8 have machines, and I answered, and I will repeat again,
9 that perhaps they had the machine but we had the man,
10 and, I might add, we had the brains.

11 Q. I come back to my question. Am I to
12 understand from what you have stated that, in your opinion
13 and in the opinion of your Association the records kept
14 by the local superintendent of your district which served
15 to prepare this statement were not accurate?

16 A. The local people sir followed instructions
17 from the Department in Ottawa and I am not prepared
18 to say the figures which are shown there are correct.
19 I am not prepared to say they are not correct.

20 Q. Now Captain at least would you concede
21 that it is of interest to the shipowner or to the shipowners
22 to know how much they pay each year to the pilots of
23 your district by way of pilotage dues? Would you concede
24 that it is of some interest to them?

25 A. By using the Department's figures?
26 Certainly it will be of interest to them. Especially
27 1959 where the figures were wrong, as far as we were
28 concerned.

29 THE CHAIRMAN: That was not the question
30 though.

31 A. Would you please repeat the question



1 ENGLISH

2 for me?

3 Q. I am simply asking you whether you
4 concede that it is of some interest to the shipowners to
5 know how much they pay during a year to the pilots of your
6 district for pilotage dues?

7 THE CHAIRMAN: May we have that accurately
8 tely?

9 A. Yes sir. This certainly would be inter-
10 esting. They would have to know.

11 Q. For them?

12 A. For them.

13 Q. If you say that the statistics or
14 statement prepared by the Department of Transport are not
15 accurate, where do you think they can get those figures?

16 A. They could have written to us. We
17 would have been glad to give them our figures.

18 Q. In other words, you claim that they
19 should accept your figures?

20 A. No sir. I do not claim so. I said
21 that we would have been pleased to give them our figures
22 for comparison.

23 Q. Well since we are still in the diffic-
24 ulty of statistics prepared by the Department of Transport,
25 I will now ask you to take in your hands the balance
26 sheets of your Corporation for the years 1961 and 1962.
27 Now Captain before we go any further, I want to be quite
28 sure that I can accept these figures for the moment. You
do not dispute them?

29 A. These figures?

30 Q. Yes, your own?



1 ENGLISH

2 A. No sir, I don't. They have been checked
3 sir, by a firm. They came here and they testified that
4 we give them -- there was no fraud, as far as we were
5 concerned.

6 Q. If you will refer to the statement
7 for the year 1962, annex B, you will see that all the pilots
8 who were full pilots, who did their 108 turns, the basic
9 pay for take-home pay, to use your expression, was \$13,
10 473.00, plus movages, plus detentions, plus, in the case
11 of Class A pilots, a special fee, plus the deduction for
12 the pension fund, plus the contribution to the adminis-
13 tration expenses of the Corporation. Do you agree with
14 this?

15 A. I do.

16 THE CHAIRMAN: Except Class C?

17 Q. Except in the case of Class C where
18 the earnings were only, I believe, a proportion? 75 per
19 cent?

20 A. 75 per cent for the first year. 85
21 per cent for Class C2 pilots.

22 Q. Now if you look at the same type of
23 statement for the year 1961, you will find that the basic
24 home pay is \$13,156, plus the same additions and reser-
25 vations.

26 A. I suppose you are right sir. I haven't
27 got it here. I will take your figures.

28 Q. Since we have to be quite sure about
29 figures, I want you to check. You agree with the figures?

30 A. I do.



1 ENGLISH

2 Q. Now, Captain, would you agree that the
3 remuneration of the pilots in your district for these two
4 years was adequate in the light of their workload of 108
5 turns in 1962 and 104 turns in 1961?

6 A. I am not prepared to say that there.

7 Q. You are not?

8 A. Of course not.

9 Q. Well putting it the other way: you do
10 not consider them adequate, these earnings?

11 A. This could lead to a long discussion.
12 We have lots of responsibilities and I think that we do
13 a very good job and, therefore, we get money for doing
14 a good job. Whether this amount is enough, well I will
15 hold my opinion.

16 Q. Well what is your opinion?

17 A. My opinion is it is not enough.

18 Q. Now why is it not enough? Is it because
19 the gross earnings are not high enough or because the
20 deductions were too high or is there any other reason?

21 A. I might say sir the deductions might
22 be a little high, but, you know, as well as I do that
23 if the deductions are high to-day, it is not really our
24 fault.

25 I have explained the other day since 1959
26 what we have had to face. I can repeat them again if
27 you wish, and that is why the deductions are high.

28 Q. Let's take some of these deductions.
29 Let's take, for instance, the contribution of 10 per cent
30 to the pension fund. First of all, will you agree that
what goes into the pension fund is really of a benefit



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2 to the pilots?

3 A. I agree that 10 per cent towards the
4 pension fund is a little high. The word "little" is
5 not really the word I should use. It is high. I agree,
6 and Mr. Guimont that was here before stated that we
7 had to take this step, and of course, we hope some day
8 we will be able to take it down a little. Yes, it is
9 high.

10 Q. Wouldn't you consider still what
11 goes into the pension fund is really part of your pay,
12 and I am not using it advisedly, the words "take-home pay"?

13 A. I wouldn't care to go into great leng-
14 thy, study about this but -- yes, I agree with you.

15 Q. What about the item sickness, health
16 which I find posted in the case of about six pilots and
17 which in fact amounted to a deduction from your gross
18 earnings. Is that considered by you or your Corporation
19 as too high at the moment? The liability of the pilots
20 to contribute to this special fund, is it considered to be
21 too high?

22 A. You mean when a pilot gets sick and
23 the amount that we pay him?

24 Q. Yes?

25 A. Well sir, to this effect, I know that
26 some people would like us to be machines but even machines
27 will have breakdowns so, therefore, in a bunch of men like
28 us, 77 men working day and night, all kinds of weather,
29 I think that it is fair enough for them to be sick and,
30 therefore, we give them a hand, yes, whenever they have
the misfortune of being sick, yes sir.



1 ENGLISH

2 Q. You do not consider the benefits paid
3 too high? That was my question?

4 A. No.

5 Q. Would you concede that this is also
6 what we call a fringe benefit in fact, although paid,
7 I might say, indirectly insofar as the pilot earning
8 the money is concerned?

9 A. Fringe benefit sir paid by the pilots
10 themselves; not by anyone else.

11 Q. What about the monies paid to pilots
12 suspended during the course of a season of navigation,
13 and I see that in the year 1962 this was paid in the case
14 of one pilot. Do you consider the rate too high or
proper?

15 A. Again sir in our type of work one
16 is liable to make a mistake and we hope that if a fellow
17 has the misfortune of having made that mistake, we are
18 in agreement to help him along a little bit, yes, there-
19 fore, to your question.

20 Q. However won't you concede, Captain,
21 that all these benefits actually come from the pilotage
22 dues in fact paid by the shipowners?

23 A. Comes from the pilotage dues, sir.

24 Q. Paid by the shipowner?

25 A. The shipowner pays for a service which
26 we render the ship. What we deduct from that amount sir
is the Corporation's business.

27 Q. Now pilot we have heard in earlier
28 evidence of a strike last year. Will you tell me whether
29 for the years that you were in office, that is between
30 1960 and the present time, in addition to the actual strike



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2 or refusal of work there were also threats of strikes made
3 by the pilots either towards the Authority or towards the
4 shipowner? In other words, has this weapon also been
5 used?

6 A. I do not think sir, that, if you will
7 excuse me, that your use of the word "strike" -- you are not
8 using the proper word. I would say stoppage of work.

9 Q. And there have been, during these three
10 years I am speaking of, threats of stoppage of work, to
11 use your expression?

12 A. It was not really -- well was it a
13 threat? We went to Ottawa and discussed a few things with
14 the Authority, yes, in 1960. In October I believe of
15 1960.

16 Q. Now Captain when a stoppage of work
17 occurred, or threats of them were made, against whom were
18 they directed? Were they directed against the Pilotage
19 Authority as such or against the employers of your service?
20 In other words, which one did you want to reach?

21 A. As you know we had -- the Authority of
22 the pilotage is the Minister of Transport. That is my
23 answer.

24 Q. So this stoppage of work which occurred
25 in 1962 and the threats of similar stoppages earlier were
26 directed, if I understand you correctly, against the
27 Minister of Transport?

28 A. The Pilotage Authority.

29 Q. Do you not think that the shipowners
30 would be perhaps justified in complaining about these
things since they would be the ones affected in their
operation during these years?



1 ENGLISH

2 A. They had certainly the right to complain
3 but I might make a remark here: that we offered the ship-
4 owners many times, we offered them the opportunity to
5 meet them. When we sent the telegram, I did not send the
6 telegram, but the Organization sent a telegram to the
7 Authority about this matter. We also sent a copy to the
8 Shipping Federation. These people did not want to meet us
9 and, therefore, did not meet us.

10 Q. I want you, for the moment Captain,
11 to look at the shipowner's side. You have told us that
12 you did not consider that, in your own opinion, the
13 earnings of the pilots in your district were adequate.
14 Would you at least concede that the shipowners might per-
15 haps have been justified to think otherwise? I mean would
16 you concede that there could be a difference of opinion
17 on this score?

18 A. There might have been, oh yes, there
19 were differences of opinion but we offered, and many times,
20 to meet these gentlemen in a friendly manner. They did
21 not choose to meet us. Many times in Ottawa we met them
22 at the door, yes. They were going to see the Deputy
23 Minister and we were either coming out or going in, or
24 vice versa, but never did we meet face to face and we
would have liked to meet them. Sure, of course.

25 Q. What you are telling me now is that
26 there were many trips to Ottawa to meet the Minister on
27 both sides?

28 A. Fortunately, yes, there were.

29 Q. And again looking at the shipowner's
30 side for the moment, don't you believe the shipowners



1 ENGLISH

2 might have been justified to complain about perhaps the
3 lack of discipline in your district, particularly in the
4 light of some rather serious accidents that have happened
5 within the last say three years, and apparent unjustified
6 absences of a number of pilots?

7 A. To answer you that question sir I
8 will repeat again that neither the pilots nor the committee
9 have the power over the members as far as discipline.

CC 10

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PB/RPS 1 English

2 This power is vested upon the Authority,
3 the Pilotage Authority and not us.

4 Q. Do you consider now, officially as
5 President of your Corporation that the disciplinary powers
6 of the Ministry have been exercised in your District suffic-
7 iently and in the matter in which they should have
8 been exercised?

9 A. Do I have to answer that question again?
10 I don't think . . .

11 Q. Do you consider, Captain, and I am
12 speaking to you officially as President of the Corporation
13 that the disciplinary powers of the Pilotage Authority
14 haven't been sufficiently exercised in your District say,
15 during the last three years, taking into account the
16 number of accidents that have happened, the records
17 of some of the pilots, particularly as regards unjustified
18 absences?

19 A. There is a certain lack of discipline
20 in our District in the part of the Department, yes. I
21 will mention here that the Local Supervisors, Superint-
22 endent --- is limited to \$40.00 fine, which I don't
23 think is enough. I think that locally, if the man had
24 a little more power that things would work a little
25 more smoothly, even though they run pretty smoothly,
26 surprisingly.

27 Q. Captain, since I have asked you to
28 look at the Shipowners' statement, I would like to refer
29 you to a remark contained in an address you made at the
30 annual meeting of 1961 to your members, Exhibit No. 693,



1 English

2 and I quote on page 20:

3 "Thus, in the spring we submitted to
4 "the Minister of Transport a brief that you
5 "received to support our representations.
6 "That was the spring of 1960. Afterwards the
7 "Shipping Federation published a pamphlet
8 "against pilots that were also sent to you.
9 "We had to make some representations to
10 "the members of Parliament and Minister as
11 "well as the public at large in order to
12 "again go against the lies of the Shipping
13 "Federation."

14 Do you recall these words?

15 A. I do, sir.

16 Q. I would like to quote for you certain
17 extracts of the publication of the Shipping Federation
18 with is found in the bulletins that were filed yesterday
19 under No. 683, I think. I quote on the first page:

20 "It is the objective of the Federation
21 "in the interest of the Canadian economy
22 "that stable, reliable pilotage service
23 "be provided at reasonable cost."

24 Captain, will you disagree with that objective
25 in general?

26 A. No, sir.

27 Q. I go on:

28 "It is the policy and aim of the
29 "Federation to have available for the
30 "movement of traffic competent, reliable



1 English

2 "pilots and it is an equally firm policy
3 "of the Federation to provide wages and
4 "working conditions in the Pilotage Service
5 "which will be rewarding and attractive
6 "to competent men".

7 Do you disagree with this declaration of
8 policy as a general statement?

9 A. I would have to study it.

10 Q. You would have to study it. I would
11 like to go on to page 5. I hope again . . .

12 A. Excuse me, may I go a little further
13 down the page?

14 Q. Surely. If you find any lies you point
15 them out.

16 A. This is just where it comes, sir.
17 Excuse me. You quoted. I will quote this, the next
18 paragraph:

19 "It is the belief of the Federation
20 "that these standards of wages and working
21 "conditions are being met. Pilots work
22 "an average of six hours per day, approx-
23 "imately eight months per year. In 1959,
24 "according to government figures, average
25 "gross earnings per pilot were as follows:"

26 And they go on. We can prove that the six
27 hours that they mention we have also. We also had our
28 men do work --- this was the winter we had our
29 Committee of Statistics and we figured we came to nine
30 hours, one-third more than the government, what the D.O.T.



1 English

2 said. That is what I mean by lies.

3 Q. You mean the lies of the government?

4 A. If you wish. You are nearer than the
5 government.

6 Q. In your nine hours for 1959 may I
7 ask a question, pilot, did you include time from home to
8 ship?

9 A. Well, sir, I would have to go back
10 to do it. We spent all winter to figure that out. If
11 you want us to start again I guess we wouldn't be
12 piloting ships this summer.

13 Q. I was asking the question incase your
14 recollection might enable you to tell us.

15 A. No, sir.

16 Q. It doesn't. You have stated in
17 calculating working hours, I think you said you should
18 include time from home to ship?

19 A. I didn't mention that, not yet.

20 Q. Not yet?

21 A. I don't believe we talked about that
22 yesterday. I might be wrong. I don't think so.

23 Q. Perhaps you could go on to page 5.

24 If you pick up any lies in between . . .

25 A. You are asking me to be an awfully
26 fast reader, here.

27 Q. I see.

28 THE CHAIRMAN: Could we have a little break
29 while he is reading?

30 ---A SHORT RECESS.



1 English

2

3 ---FOLLOWING THE SHORT RECESS.

4

5 CONTINUATION OF CROSS-EXAMINATION BY MR. BRISSET:

6

7 Q. I now come to page 5 and I quote again:

8 "There are, in the area under review

9 "about 275 effective pilots. These pilots

10 "are organized into Associations and Corpor-

11 "ations with competent legal counsel and

12 "expert economic consultants."

13 MR. DALONDE: A lie, my lord.

14 MR. BRISSET: Q. "These bodies are not

15 certified as collective bargaining agencies, although

16 they do, in effect, exercise this function. Under The

17 Canada Shipping Act the administration of pilotage

18 is in the responsibility of the Pilotage Authority.

19 In their efforts to establish their levels of income,

20 the pilots -- or rather their representatives -- deal

21 with the shipping industry. The level of income of

22 the pilots is determined by the size of the fund collected

23 for this purpose from tariffs. Being interested in the

24 size of the fund they attempt to influence -- upwards --

25 the tariff rates, fees and service charges which are

26 contributed to the fund".

27 If I may stop here, you will agree I am

28 sure that at no time the pilots in your District have

29 asked for a revision downwards of the tariffs?

30 A. No, sir.



English

Q. "These charges are assessed against
"the shipping industry, approved and collected
"by the Pilotage Authority, and this disposition
"made in the manner mentioned earlier. Where
"the shipping industry has been unable to
"reach agreement with the pilots, the Minister
"of Transport, as Pilotage Authority, can
"finally decide the tariffs to be charged
"against the shipping industry.

"Past implications: The implications
"in this situation are several and obvious.
"Insofar as negotiations between the pilots
"and the industry are concerned, this
"situation unfortunately and we believe
"wrongly places in the hands of the pilots
"the power, well-exercised, to negotiate
"on tariffs. In addition it permits a small
"group of men, by personal contact with
"their political representatives to exercise
"undue political pressure on the Pilotage
"Authority responsible for the administration
"of Pilotage".

A. May I ask what you mean by the word
"undue"?

Q. Perhaps I might give you an example,
pilot. I am referring to Exhibit 699, the minutes of
the general meetings that were held between the 4th of
April, 1962 and the 14th of April, 1962 and particular
to the minutes of the 10th, the meeting of the 10th of



1 English

2 April, 1962 and I quote:

3 "It is suggested that the Federation
4 "get the assistance of a Conservative lawyer,
5 "influential Conservative lawyer, recognized
6 "to get contacts with members of Parliament".

7 A. We believe this is our right. We are
8 taxpayers. We are Canadian citizens. Why not?

9 Q. The word you object to is "undue".

10 MR. LALONDE: Could my colleague ask whether
11 such a lawyer was retained?

12 Q. The question has been asked, Captain?

13 A. I didn't get you, sir.

14 Q. My learned friend Mr. Lalonde was
15 asking whether such a lawyer filling the description I
16 have given was retained.

17 A. In what year?

18 Q. 1962?

19 A. Well, put your question in Montreal
20 to the President of the Federation. Were you referring
21 to the minutes of our meeting here in Quebec?

22 Q. Yes, sir.

23 A. You asked if we had employed . . .

24 Q. I will read the extract:

25 "It is suggested that the Federation
26 "get assistance of an influential Conservat-
27 "ive lawyer recognized to get contacts
28 "with members of Parliament" out of minutes
29 of meetings, which we were told were minutes
30 of the Corporation of Lower St. Lawrence Pilots?



1 English

2 A. Yes, sir. Well, I believe that the
3 President of the Federation in Montreal could answer
4 you. Were you mentioning . . .

5 MR. LALONDE: Does the memorandum tell
6 whether the suggestion was passed or adopted or just
7 something said in the meeting and it was put down in the
8 minutes?

9 MR. BRISSET: Q. That is all there is in the
10 minutes, I must say. Your suggestion is, I take it,
11 Captain that we should pursue this with the Federation
12 rather than the Corporation?

13 A. I think it would be, sir.

14 Q. During the intermission I take it you
15 had a chance to read this little pamphlet which isn't
16 very long and I would ask you whether you picked out any
17 other lies that you want to point out to us?

18 A. Well, sir, I would -- it is not a lie,
19 but I might, if you would let me, I would like to make
20 a correction at page 4. You state that the custom of
21 negotiating wages, and here I would like to correct you
22 in stating these are not wages, but earnings.

23 Q. In other words there was a word
24 improperly used there when referring to pilots who are
25 professional?

26 CC2 A. We are free entrepreneurs.

27 Q. Before we pass on to the Corporation
28 and its organization, Pilot., there are two little
29 points I would like to clear. You have spoken, I believe,
30 of winter navigation between December 1st and April 8th



1 English

2 when the two pilots are called under the By-Law to assist
3 a vessel?

4 A. Yes, sir.

5 Q. Does it happen in practice according to
6 your experience that at times during that period only
7 one pilot is employed?

8 A. No, sir. I don't think it happened
9 in our District.

10 Q. If only one pilot was employed because
11 there were no pilots available would, according to
12 your knowledge of the situation, would the fee for the
13 second pilot have to be paid that is compulsory?

14 A. Sir, this question does not belong to
15 me. You should ask this question of the Authority.

16 Q. You had spoken yesterday of the transfer
17 of the station from Father Point to Les Escoumains and
18 the only reason given that I could see in the transcript
19 of your evidence was that the quick decision had to be
20 taken because the pilots were overworked?

21 A. Exactly.

22 Q. However in reading the report of the
23 press that were published last night I see that other
24 reasons are given. I would like to quote from the report
25 and you tell me whether the reasons given are correct.

26 "The witness explains that the main
27 "reasons which warranted the transfer of
28 "the Pilotage Station from Father Point on
29 "the south bank of the St. Lawrence to
30 "Les Escoumains on the north bank was that



1 English

2 "the last point was closer to the routes
3 "followed by the majority of vessels,
4 "particularly those large iron ore carriers
5 "from the various harbours on the north
6 "bank. Climatic conditions were more
7 "favourable and that the coastal tankers
8 "were free from ice throughout the winter
9 "which isn't the case for the south bank
10 "or shore". Are the reasons, just as in
11 your experience -- are these reasons correct and has
12 experience shown that this was actually the case?

13 A. The reasons which you have mentioned
14 are correct. I would like to add since 1960, winter 1960
15 and onwards in the history of my District the Station
16 was open the year round.

17 Q. Speaking of overwork of the pilots dur-
18 ing that season, just one point, and I am sorry I have
19 to refer to Exhibit 590 again. You told us that three
20 pilots died from overwork during that season, but
21 actually, according to the statement only one appears to
22 have died. Would you say that that statement published
23 by the local Superintendent is also incorrect?

24 A. If you want me to give you briefly ---
25 I don't want for the families concerned to bring that
26 back, but I know for a fact that three men died that
27 year through, I should say -- what we believe to be
28 heart attacks, yes, I will say that. I don't have to
29 look at this. I know. We know.

30 Q. You were asked yesterday . . .



1 English

2 A. Excuse me, there was one that died
3 in January, I believe, January -- this is after the
4 season was over. If you want things to be correct,
5 it wasn't in 1959, it was in the very early part of
6 1960.

7 Q. Yesterday, Pilot, you were asked about
8 what was called a strike fund and you were read an
9 extract from the brief of the Shipping Federation on this
10 topic and you stated there was no such thing as a strike
11 fund in this District. Do you recall that?

12 A. I recall that, sir, and I might add
13 it is another lie of the Shipping Federation.

14 Q. What do you call a strike fund?

15 A. I don't know because we don't know
16 anything about strike funds. We don't have such things.

17 Q. In going over your statements, balance
18 sheets of 1962, it came out yesterday that there was a
19 sum of \$1,674.25 posted under the heading of "Assemblee
20 Generale et Speciale" -- general special meeting. Do
21 you recall this?

22 A. Yes.

23 Q. It also came out that in 1962 in addition
24 to the assessment of \$100 per man or pilot in your
25 District the Federation of the St. Lawrence Pilots made
26 a further assessment of something over \$9,000 during
27 the year.

28 Q. Yes, sir.

29 A. Am I right in assuming that part of
30 this assessment, if not the whole was related to the



1 English

2 stoppage of work in April, 1962?

3 A. Not a cent of it.

4 Q. Not a cent of it?

5 A. No, sir.

6 Q. Do you know that personally?

7 A. I do.

8 Q. So that there is only this amount of
9 \$1,674 and a few cents that is related to stoppage of
10 work?

11 A. Related, yes -- related is the word
12 because we didn't take the \$1,600 and say this is going
13 to be for the strike fund. When we had spent -- when
14 the expenses were made -- for example, I had to go to
15 Montreal and live in Montreal and part of that money
16 was paid for my travelling expenses and my living, let
17 us call it abroad.

18 Q. I want to pass on now to the Corporation
19 organization for your District.

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1 Q. You told us that in 1960 the general meeting
2 of the members of the Association took place on January
3 15th, was adjourned for the purpose of studying the advis-
4 ability of revising the rules of the Association and was re-
5 convened again on the 29th of March when 53 of the members
6 out of 74 agreed to join the Corporation. That is correct?

7 A. I don't know if you have the picture
8 just as clearly as I like. We had the general annual meet-
9 ing on the second Wednesday of January. As I stated before
10 the President then stated that we should perhaps re-study
11 the Association Regulations and see if we could bring them
12 up to date. That was well and good.

13 That meeting was adjourned completely, I
14 believe. In any case a committee was formed and we had,
15 after different steps were taken, we had three meetings.
16 We had one meeting in March after we have had the project,
17 the three projects on these regulations. This meeting was
18 held in March and we divided the by-laws into two groups.

19 The first group came to our office and to-
20 gether with the legal advisor we gave them full explanations.

21 We read these things word for word and asked
22 them if they had anything to add or anything to correct
23 to this.

24 The second group came to the office on the
25 next day and the pilot that failed to get to these import-
26 ant meetings, they were sent this third project.

27 After a certain period, we had a general
28 meeting but it was not a meeting where minutes were kept
29 and then again we explained these new regulations word
30 for word and after the meeting in the afternoon, then
and only then did we ask the members to sign or not to
sign.



1 English

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3 Q. I was coming to that Captain. What I
4 wanted to be clear on was it on the 29th of March, 1960
5 you had 53 members?

6 A. Correct sir.

7 Q. Who were willing to become members of
8 the Corporation.

9 A. Well perhaps we did not get all the
10 signatures that day but signed after. We did not proceed
11 to ask the Governor-in-Council for our Charter until we
12 were sure of having two-thirds of the signatures.

13 Q. That is the point I wanted to be clear
14 on. I wanted to know whether on the 29th of March, when
15 it was decided apparently to go on with the new Corporation,
16 you had 53 members that had already signed the adhesion
17 form that was read into the record?

18 A. I don't think we had 53 that day, no.
19 I don't think so. It was signed after. We can look in
20 the minutes. We can look and see the minutes and we will
21 find the dates - if you want me to, I can look at my notes
22 and perhaps find it for you.

23 Q. Perhaps we can do this at a later
24 time so as not to lose too much time now. I am afraid we
25 will have to come back to Montreal. Perhaps we could go
26 into this at that stage but the point I have made, I think,
27 is that eventually, not necessarily on the 29th of March,
28 you had 53 members that had signed to become members of
29 the new Corporation?

30 A. Yes sir.



1
2 English

3 Q. Now did these 53 members in all cases
4 sign a form of adhesion?

5 A. Yes sir.

6 Q. They did. And you have kept, I assume,
7 for the records of the corporation these forms of adhesion?

8 A. We have done more than that sir. We
9 have had copies of the original. The copies we keep in
10 the office, the original we keep in the bank, in the
11 vault.

12 Q. And these would be available in Montreal.
13 I would ask you to have them available.

14 A. The original or the copies?

15 Q. The copies would be satisfactory. Of
16 course, at the same time as they signed this form of
17 adhesion they gave their consent to the dissolution of
18 the Association if it were decided to do so?

19 A. Right sir. If I might add the first
20 year, that is in 1961 we had 65 members. In 1962 we had
21 71 members of the Corporation.

22 Q. I recall that. The Corporation was
23 eventually formed and obtained its charter in June, 1960?

24 A. No sir. Correction, 8th of May, 1960.

25 Q. 8th of May, 1960?

26 A. Yes.

27 Q. You stated that there were 53 members
28 out of 74. However, looking at the record now before
29 this Commission, I have formed the impression that there
30 were 77 members of the Association at the time, or 77
pilots in the district.



1 English

2
3 A. In 1960?

4 Q. Yes?

5 A. I don't believe so sir, no. Of course
6 not, because if you recall in - we came to this -- there
7 was a point of saturation. Do you remember, where they
8 wanted to keep our members to 75 and then give exemptions
9 so, therefore, we were not 77 because we managed to get
10 above the saturation point away after that date of the
11 8th of May.

12 Q. Do you recall when the members reached
13 77 in the District?

14 A. Must have been in 1961, I believe.

15 Q. In other words, at no time in 1960
16 did you have 77 active pilots?

17 A. I don't think so, sir.

18 Q. How many would there have been then?
19 Just 74?

20 A. Around 74, yes. We could check in no
21 time at all.

22 Q. I would like you to take before you
23 Exhibit No. 650 which is a list of the pilots indentured
24 in the District of Quebec. Would you proceed to the
25 second page where you will see as the ninth name on the
26 list Oscar Boudreault indentured as pilot June 3, 1960.
27 You have found that?

28 A. Yes.

29 Q. If you will count with me the names
30 that follow as having been indentured after June 3, 1960,
you will see, I believe, 12 names. To this should be



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English

added the name of J. G. Bernier who came into the pilotage here in September of this year, or 13 new pilots in other words. That is correct?

A. Including Boudreault, yes.

Q. Now Captain leaving aside these new pilots who, I understand, have all joined the Corporation, were there any signed on/as members outside of these 13

over and above the 53 members that served to reach a decision to form a new corporation?

A. You mean not mentioned here?

Q. Yes?

A. I would have to go through the names but since -- I don't know when the thing was copied -- but since 1960 we have had members who were in the Corporation who have now retired.

Q. So there might have been members who have signed who have retired since?

A. Yes.

Q. Before June 3, 1960?

A. Yes.

Q. Or after?

A. Yes.

Q. Would you also have available in Montreal the names of those who joined after the first 53, exclusive of the 13 shown on here?

A. Who joined?

Q. Yes?

A. There is none that joined the Corpora-



1 English

2
3 tion. I mean some of these pilots here that should be
4 shown here have left. They were in the Corporation but
5 they have left since the 8th of May, 1960. They are either
6 dead or pensioned. I see your leading question, if you
7 will permit me to say. You are afraid we did not have
8 a two-thirds majority, but we certainly did have.

9 THE CHAIRMAN: That was not the question.
10 What Mr. Brisset has asked is you had 53 at one time.
11 Those that did not sign at the time, signed later on?

12 THE WITNESS: Well we had some that
13 signed later.

14 Q. That is the information I wanted. Now
15 you have told us that some have signed later and for future
16 hearings would you have a list of those who signed later
17 available?

18 A. Of course.

19 MR. LALONDE: Would my friend be satis-
20 fied with photo copies of all the adhesions?

21 MR. BRISSET: Yes.

22 THE CHAIRMAN: He could find any names
23 by looking through the record.

24 Q. Now you have told us that the new
25 pilots that were indentured after June 3, 1960, or starting
26 from June 3, 1960 had signed the Articles of the Association
27 or became members of the Association?

28 A. The Association, yes sir.

29 Q. I take it that in all these cases they
30 signed also their adhesion to the Corporation at the
same time?



1 English

2
3 A. Afterwards.

4 Q. Afterwards?

5 A. Yes. They did not sign the three
6 papers at the same time. No. They signed the Association
7 first and then the adhesion paper after.

8 Q. But on the same day? At the same time?

9 A. Yes, of course at the same time, yes
10 sir.

11 Q. Well let's take the first one before
12 that. I think you mentioned to us that these new pilots
13 were not called upon to sign as members of the Corporation
14 until they were pilots?

15 A. That is correct sir. There is no one --
16 none of them signed the adhesion paper before they signed
17 the Association.

18 Q. They signed one after the other?

19 A. Yes, the Association first.

20 Q. And they were only asked to sign, if
21 I recall what you said before, when they were pilots?

22 A. Right sir. Excuse me, when they had
23 passed their examination. I explained that here before,
24 if you remember.

25 Q. In other words, you did not wait until
26 they received their pilot's licence?

27 A. No sir. We did not believe it was
28 necessary to do so.

29 And then is that the explanation for, let
30 us take the case of Oscar Boudreault, who was indentured
as a pilot on June 3, 1960, and according to the records



1 English

2 you have filed, Articles of the Association, he is shown
3 as having signed the Articles of Association and just
4 immediately after the adhesion to the Corporation on
5 the 22nd of April of the same year.

6 A. Of April, yes, at that time. I remember
7 quite correctly I told him to be very patient. It would
8 take quite a while before he got the licence.

9 Q. What was holding up the licence in
10 those days? What was holding up the issuing of the licence
11 in those days?

12 A. I can't say sir. I don't belong to
13 the Department of Transport.

14 Q. At that time were you on the Board
15 of Examination for these pilots?

16 A. For Boudreault?

17 Q. Yes?

18 A. Of course I was.

19 Q. And you were the one, I take it, that
20 told him he had passed his examination?

21 A. Not me. Of course not. We have a
22 jury -- we have a Board of Examiners and this Board of
23 Examiners is formed, it is under the by-laws of our
24 District. It is formed -- there are two Department of
25 Transport officials and three pilots on this Board and

26 the Department official is the President, we
27 have many times on this Board, and he is the one after-
28 wards that was human enough to get this fellow in and
29 tell him he had passed his examination, instead of waiting
30 for a month and so many days and say then you have passed
it.

Q. I suppose the same thing was done for



1 English

2 the others, and I would just quote the next two or three,
3 Raymond Chartier indentured as a pilot on July 15th,
4 signed Articles of Association on the 13th of July?

5 A. Right sir.

6 Q. The same thing for Lamarre indentured
7 as a pilot on July 15th, signed the Association on July
8 13th?

9 A. Right sir.

10 Q. The same thing for Boudreault?

11 A. Same thing for all of them. I might
12 add here that because it took quite a while to get their
13 licence, we wrote to the local supervisor here in Quebec
14 asking them to put these pilots on tour de role at the
15 moment, the day after they had finished passing their
16 licence. That was done so that there would be no undue
17 pressure or letters on the Department officials to issue
18 the licence.

19 Q. You have explained to us fully that
20 when the new pilot is indentured as a pilot, you would
21 explain to him what the Corporation was or intended to
22 be; what the Association was and what was its purpose,
23 and so forth.

24 Do you recall having mentioned that?

25 A. I do.

26 Q. Did any of those young pilots inquire
27 from you as to why they were asked to sign the Articles
28 of Association first and then a form of adhesion to the
29 Corporation in which it was said, and I quote in French:

ch 30 = "I have hereby consented to the repeal



1 FRENCH

2 "and the cancellation of the Association
3 Act constituting the Association of
4 Licenced Pilots for the Quebec Harbour
5 and below."

6 ENGLISH

A. Your question is sir?

7 Q. Did any of the young pilots ask you
8 why they were asked to sign the Articles of Association
9 on the one hand and immediately after a document consent-
10 ing to the revocation and annihilation of the Act they
11 had just signed?

12 A. After my lengthy explanation on all
13 these matters, they did not have to ask.

14 MR. JACQUES: They were confused?

15 Q. I must admit Captain that I would have
16 been naive enough to ask as, frankly, I find it difficult
17 to understand. Let's go on.

18 MR. LALONDE: Come and consult me.

19 Q. On this subject of the cancellation of
20 the Act of Association, you have told us that the Associa-
21 tion was still in existence?

22 A. That is correct sir. We have still
23 six members who are not in the Corporation.

24 Q. And that the reason why the Association
25 was not dissolved is that you did not want to deprive the
26 six members of the privileges which accrue to them under
27 the Act of Association?

28 A. Correct.

29 Q. Now I would like to refer you to Article
30 29, or Clause 29 of the Act of Association of the Licenced
Pilots for the Harbour of Quebec and below which reads:



"These conventions will be enforced only when all of the pilots for the Quebec Pilotage District will have signed it but as soon as they will have signed, the present society will exist and will go on existing whatever the number of its members in good standing."

ENGLISH Did you obtain, as President, have you obtained in your capacity as President of the Corporation counsel's opinion on whether the Association could in fact be dissolved so long as there was a member in good standing?

A. We did.

Q. You did, and what was the opinion given?

A. The opinion --

Q. Just briefly.

A. Wouldn't it be better to ask the legal counsel?

Q. Were you told that you could or you could not dissolve the Association?

A. We were told that we could.

Q. That you could. Now I understand that all the assets of the Association are now, or have now been turned over to the Corporation and that all earnings of the pilots are transferred to the Corporation. Is my understanding correct?

A. To the Corporation and to the Association because the Association is still alive.

Q. Well if I am right in stating that all



1 ENGLISH

2 the earnings of the pilots go to the Corporation and
3 all the assets of the Association are in the hands of the
4 Corporation, isn't it a fact that the Association in
5 fact is no longer in existence?

6 A. Well may I remind you -- may I go back
7 here to this. Now I am not the legal advisor. I have
8 not studied the law but there, if I may be allowed to read
9 this paragraph and I quote:

10 "Modification of the Association
11 Act and any other by-law or resolution
12 presented or in the future life of
13 the Corporation and any modification
14 of those will automatically become as
15 they are adopted by-laws and resolutions
16 of the Association."

17 Does that cover what you are looking for?

18 Q. Not quite. I am trying to imagine in
19 my own mind an association which has no assets and no earn-
20 ings, and I am asking myself how could it be in existence
21 or is it not a fiction of some kind?

22 A. They still have sir a President and the
23 members. We are 77 members in this Association. I think
24 we are still alive.

25 Q. Captain Rousseau will you give me
26 the names of the six members of the Association that are
27 not members of the Corporation? Perhaps I can assist you?

28 A. You don't have to assist me sir. I
29 know them by heart. Do I have to divulge their name
30 here?

THE CHAIRMAN: Yes.

THE WITNESS: It wouldn't harm them in



1 ENGLISH

2 any way?

3 THE CHAIRMAN: Not at all.

4 THE WITNESS: There is Mr. Roland Barras,
5 Lucien Bedard, Jacques Dube', Charles E. Langlois, Charles
6 Thivierge, Olivier Paquet.

7 Q. Now Captain would you refer to your
8 balance sheet of 1962, Exhibit E 597 and confirm to me
9 that these six pilots have in fact performed, during the
10 year 1962, their average number of trips. That is 108?
11 They were full pilots, in other words?

12 A. Full pilots the same as their confreres.

13 Q. I believe also that out of these six
14 pilots there are two A pilots and four Class B pilots?

15 A. Well there is one that just has been
16 promoted, yes.

17 Q. Now would you agree that through this
18 arrangement between the Corporation and the Association,
19 these six pilots in 1962 have in fact contributed to the
20 pooled funds of the Corporation an average of \$90,000.00?

21 A. Pool of the Association. Also of the
22 Association.

23 Q. But also the Corporation?

24 A. I can read this again. It seems to
25 be clear to my mind, that in my mind that the Association
26 is still in existence.

27 Q. And if you project this \$90,000.00 con-
28 tribution of these six pilots to the pooled earnings of
29 the Corporation, you have a sizeable sum of some \$350
30 to \$360 thousand dollars?



1 ENGLISH

2 A. We had no intention whatsoever of
3 rejecting either the money -- the members nor the money.

4 Q. What I am driving at Captain Rousseau,
5 if I may so suggest, the real reason for not disbanding
6 the Association is that if the Association were abolished,
7 or dissolved the pooled earnings, or the earnings of
8 these six pilots would not fall into the pooled funds of
9 the Corporation?

10 A. Would you repeat that again please?

11 Q. May I suggest to you, Captain Rousseau,
12 that the real reason why the fiction that the Association
13 is not dissolved is for the purpose of having the sizeable
14 contribution of these pilots fall into the pooled funds
15 of the Corporation?

16 A. No sir.

17 Q. Well how do you explain then that even
18 though they are not members of the Corporation, they con-
19 tribute to the administration expenses of the Corporation
20 just as anybody else and they also contribute to all the
21 other obligations, financial-wise, of the pilots that belong
22 to the corporation?

23 A. Because all the pilots belonging to
24 the Corporation also belong to the Association and when
25 we amended these --

26 MR. JACQUES: We are speaking about Exhibit
27 592.

28 A. We stated, and the fellows signed it,
29 the members signed it, except six. I can read it.

30 THE CHAIRMAN: Is it the same thing as
you said before?



1 ENGLISH

2 THE WITNESS: The same as before.

3 THE CHAIRMAN: It won't be necessary to
4 repeat it. Do you want to change the subject now?

5 MR. BRISSET: Yes my lord.

6 THE CHAIRMAN: We will adjourn now.

7 M. JALONDE: My lord, you asked the
8 witness the other day to find some reference in Exhibit
9 688, that is the bulletins which were sent by the Cor-
10 poration to the members, about an explanation concerning
11 pilots' source form. I find that there is no detailed
12 explanation, as such in writing. I am informed that these
13 were given orally at the annual meeting, but that there
14 is reference, however, in the reports and also further
15 details are given in the bulletins of May 31, 1962, May
16 2, 1961 and April 24, 1961.

H 16 THE CHAIRMAN: The meeting will adjourn
17 to Montreal, Monday the 30th of September, 10 o'clock
18 at the Old Palais de Justice, at the Court House, on the
19 other side of the road. Not the same place as last time.
20 On the other side of the road.

21 -----

BINDING SECT

MAY 2 1972

